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**AWARD OF THE FISHERY COMMISSION.**

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**DOCUMENTS AND PROCEEDINGS**

**OF THE**

**HALIFAX COMMISSION, 1877,**

**UNDER THE**

**TREATY OF WASHINGTON OF MAY 8, 1871.**

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**IN THREE VOLUMES.**

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**VOLUME I.**

**73714**



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M E S S A G E  
FROM THE  
PRESIDENT OF THE UNITED STATES,  
TRANSMITTING

*A communication from the Secretary of State in relation to the deliberations of the Fishery Commission.*

MAY 18, 1878.—Referred to the Committee on Foreign Affairs and ordered to be printed.

*To the Senate and House of Representatives :*

I herewith transmit for your appropriate action a communication from the Secretary of State on the subject of the result of the deliberations of the Fishery Commission, appointed under certain provisions of the Treaty of Washington, with the accompanying documents.

Article XXII of the treaty provides that any sum of money which the Commissioners may award shall be paid by the United States Government in a gross sum, within twelve months after such award shall have been given.

The Commission announced the result of its deliberations on the 23d day of November, last year, and an appropriation at the present session of Congress will be necessary to enable the government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction, as presented upon the papers, and recommend an appropriation of the necessary sum with such discretion to the executive government in regard to its payment as, in the wisdom of Congress, the public interests may seem to require.

R. B. HAYES.

EXECUTIVE MANSION, May 17, 1878.



## AWARD OF THE FISHERY COMMISSION.

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DEPARTMENT OF STATE, May 16, 1878.

I have the honor to lay before you the papers which relate to the subject of the fisheries as submitted to the determination of a Commission by certain provisions of the Treaty of Washington, and as considered before such Commission in evidence and argument, and the result of the deliberations of the Commission, as announced by the Commissioners at the conclusion of their labors. These papers embrace all the authentic documents of the transaction, commencing with the negotiation of the pertinent articles of the Treaty of Washington, running through the conduct of the investigation before the Commission to the result reached by the Commissioners, and closing with the report of the Agent of the United States of such proceedings before the Commission and their result. When communicated to Congress they will present to its attention such materials for legislative action in the premises as are in the possession of the department.

The selection of the three Commissioners in the manner pointed out by the treaty had been completed by my distinguished predecessor in office, just before I entered upon my duties, and the Agent on the part of this Government "to represent it generally in all matters connected with the Commission," as provided in the treaty, had received his appointment some years before. The treaty enjoined upon the Commissioners that they should proceed with the organization of the Commission "at the earliest convenient period after they have been respectively named," and I deemed it important that counsel as competent and suitable as I could command from the profession should be promptly placed at the service of our Agent, to aid in the maintenance of the case of the United States before the Commission. I thought the government fortunate in being able to secure the professional aid of lawyers of such general ability and special qualifications as Mr. Dana, of Massachusetts, and Mr. Trescot, of South Carolina. Upon an examination of the record of the proofs and arguments made before the Commission, I am happy to concur in the judgment which our Agent, Mr. Foster, expresses in his report as to the merit and value of the labors of these accomplished counsel in the conduct of the case, and I am quite sure the ability, fidelity, vigilance, and circumspection shown by Mr. Foster himself in the preparation, the production, and the enforcement of the case of the United States, deserve and will receive the fullest approval of all departments of the government that shall have occasion to give the subject any consideration.

In the preparation and presentation of the proofs, I was able to make use of the unrivalled knowledge and complete intelligence of the whole subject of fish and fisheries possessed by Professor Baird, the United States Commissioner of Fish and Fisheries, who gave to the agent and consul of the United States, during the session of the Commission at Halifax, the benefit of his attendance and scientific instruction in the selection and production of evidence on our part, and in criticism

correction of that adduced by the British agent and counsel. It gives me, also, pleasure to concur in Mr. Foster's praise of the valuable services, in connection with the case of the United States, of Mr. Babson, the collector of customs at Gloucester, the principal fishing port of the country, and of Mr. Jackson, our experienced and excellent consul at Halifax.

In looking back upon the conduct of the case of the United States before the Commission, I am not able to discover any failure of ability or attention on our part in any matter calculated to secure a just and satisfactory determination by the Commissioners of the matter submitted to them. If that determination, as announced by the Commissioners, shall fail to satisfy our sense of right, as a disposition of the matter in contention before the Commission, the disappointment cannot be charged to any fault or omission on the part of our Agent and counsel in the presentation of our case.

In proceeding to lay before you the actual result of the proceedings before the Commission for communication to Congress, with such recommendation in respect to its action thereupon as may seem to you expedient, I find it necessary to precede such observations upon the result itself, as seem to me appropriate, by a brief statement of the essential points of the contention between the two countries on the subject of the fisheries, and of the method which, it was hoped, had been happily provided by the Treaty of Washington for solving the dispute.

Upon the termination of the Reciprocity Treaty, the dispute about the fisheries, which was put at rest while that treaty was in operation, was remitted to its old and troublesome elements. When the subject was taken up in the negotiations which produced the Treaty of Washington, it appears from the protocol of the conferences on this subject which will be found among the papers now submitted, that the High Commissioners on the part of the United States regarded the participation in the inshore fisheries of the Gulf of Saint Lawrence (the matter under negotiation), as of very moderate pecuniary value, justifying only an offer of the sum of \$1,000,000 for the right in *perpetuity*, to save the irritations and strifes inseparable from the vague and uncertain water-line of demarcation of privileges provided by the convention of 1818, which had been so fruitful of controversy between the two countries. On the other hand, the High Commissioners on the part of Great Britain evidently looked upon the possession of our markets for the products of the fisheries of the Dominion and adjacent parts free of duty, as the desirable consideration in exchange for our participation in their fisheries, with such make-weights in the negotiation in the way of further free trade as they might be able to persuade us to concede therewith. They persisted, therefore, in rejecting pecuniary measures of the value of a participation in the inshore fisheries and struggled for the renewal of free importations into this country, which had been enjoyed under the Reciprocity Treaty, to as large an extent as might be. The result of the conferences is shown in Articles XVIII to XXV of the Treaty, and disposed of the matter as follows:

I. A participation in the inshore fisheries of the Gulf of Saint Lawrence is conceded to the inhabitants of the United States for a term of years, to wit: for twelve years from the commencement of the right. (Articles XVIII and XXXII.)

II. A participation in the inshore fisheries of the United States north of thirty-ninth parallel of north latitude, is conceded to subjects of Great Britain for the same term of years. (Article XIX.)

III. Free importation into the United States of fish and fish-oil of all

kinds (except of inland lakes, and rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island was conceded for the same term of years. (Article XXI.)

IV. Upon an assertion by the Government of Great Britain that the privileges accorded to citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to British subjects, which was not admitted by the Government of the United States, it was "agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given." (Article XXII.)

The appointment of the "Commissioners" was arranged as follows:

One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. (Article XXIII.)

The order of procedure before the Commission is prescribed, and it is provided that "the case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter." (Article XXIV.)

The Commission as organized consisted of Mr. Maurice Delfossee, the Belgian minister at Washington, named by the Austrian ambassador at London, presiding; the honorable Ensign H. Kellogg, named by the President of the United States; and Sir Alexander T. Galt, named by Her Britannic Majesty. It held its first conference on the 15th June, 1877; the case on both sides was concluded at the seventy-seventh conference, held on the 21st November, 1877, and the result of its deliberations was announced at the succeeding conference, held on the 23d day of the same month. This result is stated in the protocol of that conference, as follows:

The undersigned, Commissioners appointed under Articles XXII and XXIII of the treaty of Washington, of the 8th of May, 1871, to determine having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of said treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of the said treaty,—having carefully and impartially examined the matters referred to them, according to justice and equity, in conformity with the solemn declaration made and subscribed by them on the fifteenth day of June, one thousand eight hundred and seventy-seven,—

Award the sum of five millions five hundred thousand dollars in gold, to be paid by the Government of the United States to the Government of Her Britannic Majesty, in accordance with the provisions of the said treaty.

Signed at Halifax, this twenty-third day of November, one thousand eight hundred and twenty-seven.

MAURICE DELFOSSE.  
A. T. GALT.

The United States Commissioner is of opinion that the advantages accruing to Great Britain under the Treaty of Washington, are greater than the advantages conferred on the United States by said treaty, and he cannot therefore concur in the conclusions announced by his colleagues.

And the American Commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty except with the unanimous consent of its members.

E. H. KELLOGG,  
*Commissioner.*

Upon the announcement of this result, Mr. Foster, the agent of the United States, addressed the Commission, saying :

I have no instructions from the Government of the United States as to the course to be pursued in the contingency of such a result as has just been announced. But if I were to accept in silence the paper signed by two Commissioners, it might be claimed hereafter that, as agent of the United States, I had acquiesced in treating it as a valid award. Against such an inference it seems to be my duty to guard. I therefore make this statement which I desire to have placed upon record.

DWIGHT FOSTER,  
*Agent of the United States.*

The question arising upon the actual result of the deliberations of the Commission, in manner and form as announced by the Commissioners, and suggested by Mr. Commissioner Kellogg, "whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members," is one that can be treated and determined only between the two governments. The Commission could not adjudicate upon its own powers under the treaty, and did not attempt to do so. No consideration of this question has, as yet, arisen between the two governments. Quite in advance even of the organization of the Commission, in a debate in the Dominion Parliament in March, 1875, upon a motion "for an address praying for correspondence in reference to the compensation to be paid by the United States to Canada, under the Treaty of Washington, for the right of fishing in Canadian waters," the requirement of unanimity of the Commission, in any valid award, was distinctly stated by Mr. Blake, minister of justice. He said "that the amount of compensation that we would receive from our fisheries must be an amount unanimously agreed upon by the Commissioners, and that, therefore, we must be willing to accept such compensation as the American Commissioner would be willing to concede to us, or we should receive nothing."

While the Commission was in session, an equally distinct declaration of the British opinion of the requirements of the treaty, on this point, appeared in the columns of the leading newspaper of that country. The London Times announced in its issue of July 6, 1877, in the most unqualified terms, that "on every point that comes before it" [the Fishery Commission] "for decision, the unanimous consent of all its members is, by the terms of the treaty, necessary before an authoritative verdict can be given."

In this country no public discussion on this point seems to have arisen until since the conclusion of the labors of the Commission. It will be quite competent for Congress, in considering an appropriation to meet the proper obligations of the government under the treaty, to waive or to insist upon this objection to the validity of the award of the Commission for non-conformity to the requirements of the treaty. In the absence of any declaration by Congress adverse to the validity of the award, it will not be the duty of the Executive to raise any discussion with the British Government upon this point. If, on the other hand, Congress should accompany the appropriation with an expression of its

opinion that the attention of the British Government should be drawn to the subject, the actual payment of the award might, so far as this point is concerned, well be made to depend upon the view which that government should maintain as to the meaning of the treaty in this regard. I think it may be assumed that neither the people of this country nor any branch of this government will desire to seek exemption from a money payment upon any judgment of its own upon a point of this nature under this beneficent treaty, unless it be so well founded as to secure the concurrence of the other High Contracting Party.

I pass now to an examination of serious importance, that is to say, a comparison between the award of the Commission in its substance, with the submission thereto under which the jurisdiction of the Commission and the limitation of its power over the matter in contention, between the two countries, are defined. That an award should comport with, and not transcend, the submission of the parties is a vital principle of all arbitrations, whether public or private, and its firm maintenance is essential to the preservation of this beneficent method of settling controversies between nations and individuals. Too ready or too severe an application of this rule, in reference to international arbitrations, is easily avoided by a recognition of certain manifest propositions. In the first place, the largeness of the subjects and the generality of the elements of controversies between nations preclude the vitiation of an award far exceeding the submission, unless upon a measure of disparity which cannot reasonably be overlooked and which cannot fairly be disputed. In the second place, the absence of any possible resort to a common paramount judgment as to the rectitude of the objection to an international award, and the necessary renewal, therefore, or aggravation of the original controversy as the consequence of impugning the award may well be trusted to deter a government from attempting such criticism, except upon most certain and adequate grounds, and under the most urgent motives of avoiding still more serious mischiefs to the public interests.

The mass of testimony and the amplitude of argument produced before the commission, and submitted herewith, however carefully explored, will, I think, leave no doubt upon the main features of the controversy upon which the award should be tested in respect to its conformity to the submission. It is greatly to be regretted that the protocols of the conferences have preserved no record of the steps in the investigation, or of the methods of reasoning by which the widely diverse conclusions of the two Commissioners that concurred and the Commissioner that dissented, respectively, were reached. The promulgation of the judgments of the several Commissioners followed immediately upon the closing of the arguments, and was accompanied by no exposition whatever of the grounds of such judgments. In the absence of direct instructions from these sources it is necessary to unfold, from the proofs, the practical nature and character of the pecuniary interests which constitute the subjects to be compared in money value by the Commissioners, under Articles XVIII, XIX, and XXI, of the Treaty, to reach the result of a pecuniary award under Article XXII.

I. It will appear, indisputably, upon the proofs that the practical measure of the concession to the United States of Article XVIII, was the grant of a participation by our citizens in the inshore fisheries of the Gulf of Saint Lawrence; that is to say, of a free and equal right to take part in the fisheries within the three miles line instead of being excluded therefrom, as under the convention of 1818. It also appears from the proofs, that the fishery thus opened to us was the mackerel fishery, within

that line. This concession, then, constituted the whole subject and measure of any pecuniary value which could enter into any award against the United States. What the pecuniary value of this participation in the inshore mackerel fishery was fairly estimable at, constituted the exterior limit of any possible award against the United States.

II. But when this first term of the pecuniary calculations had been reached, there remained for the Commission a similar estimate of the pecuniary value of the concessions made by the United States under Articles XIX and XXI of the treaty. Whatever, upon a fair estimate, should seem to be the pecuniary value of these concessions, was to be subtracted from the pecuniary value of the concession to the United States under Article XVIII, and the balance, as thus produced, and that only, should constitute the award justifiable under Article XXII.

As the result of this pecuniary problem, submitted by the treaty to this commission, Commissioners Delfosse and Galt have given the sum of \$5,500,000 as the superior value of the enjoyment for twelve years by the United States of the concession under Article XVIII, over the enjoyment for the same period by British interests of the concessions under Articles XIX and XXI. Commissioner Kellogg, on the other hand, finds "that the advantages accruing to Great Britain under the treaty of Washington, are *greater* than the advantages conferred on the United States by said treaty," and could concur, therefore, in no pecuniary award against the United States under Article XXII.

The first impression on comparing this "award" of two Commissioners with the treatment of the subject in contention between the governments by the Joint High Commissioners, and the treaty "submission" of a single point in that contention not finally disposed of by the treaty itself, is of almost irresistible force that the pecuniary measure, announced by the two Commissioners, is wholly inapplicable to the very limited subject submitted to the Commission for admeasurement. If the High Commissioners on the part of the United States considered \$1,000,000 as a liberal sum for the *purchase in perpetuity* of the whole privilege of the inshore fishery, without any further advantageous concessions in exchange therefor, and if the High Commissioners on the part of Great Britain considered the exemption of the products of the Canadian fisheries from duties on importation in this country so valuable that such concession, on our part, could not be dispensed with as an element in the negotiation, it seems difficult to believe that these eminent persons could have had in mind in the "submission" of Article XXII of the treaty the same subject of valuation which, in the minds of the two Fishery Commissioners, formed the basis of the valuation in their "award."

The allowance of \$5,500,000 for *twelve years' enjoyment* of what one High Contracting Party valued in negotiation at less than \$1,000,000 *in perpetuity*, and this over and above the privilege of free importation, which the other High Contracting Party, in negotiation, stipulated for as indispensable to its interests, is not easily reconcilable with that essential identity between the matter of the submission and the matter of the award on which the whole system of arbitration rests. On the contrary, the judgment of Commissioner Kellogg seems quite conformable with what was manifestly both the object of the treaty negotiations and their apparent result. This object and this apparent result was to adjust equivalents by the treaty itself, and leave but the narrowest margin of debate as to the accuracy of the adjustment, to be the province and area of the jurisdiction of the Fishery Commission.

Giving the largest range for divergent and conflicting evidence, where evidence rests on opinion, and assuming the largest measure of value to

the concession of Article XVIII, and the smallest measure of value to our set-offs of Articles XIX and XXI, when we come to definite criteria of the value of each, the result seems incompatible with the required identity between the matter of the submission and the matter of the award.

It happened that before the Commission at Halifax had concluded its labors, five fishing seasons of the treaty period had already elapsed, and the actual statistics of the privileges reciprocally conceded, were at hand, to replace conjectural estimates by actual results of the enjoyment, on the one hand and the other, of the reciprocal concessions. Upon these statistics it was disclosed that the whole mackerel catch of the United States, for these five seasons, in the Gulf of Saint Lawrence, both within and without the three-mile line, was 167,945 barrels. The Canadian estimates claimed that three quarters of this catch was within the three-mile line, and so to be credited to the privilege conceded by Article XVIII. The United States estimate placed the proportion at less than a quarter. Allowing even the Canadian claim, the product of these five years of inshore fishery would be 125,961 barrels. It was established upon Canadian testimony that the price which mackerel bore in the provinces was \$3.75 per barrel. This would give as the value, cured and packed, of the American catch under the privilege of Article XVIII (upon the Canadian claim of three-quarters being inshore) \$472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, all of which must be deducted before the *profit*, which measures the value of the fishery privilege, is reached. Upon the evidence a dollar a barrel would be an excessive estimate of such profit. This would give a profit to the United States from the enjoyment, for these five seasons of the fishery privilege conceded under Article XVIII, of but \$25,000 a year.

The statistics of importation of the product of the Canadian fisheries, under the privilege of Article XXI, show that the duty exacted prior to this concession, if imposed upon the Canadian importations under that privilege, would have produced a revenue of about \$200,000 per annum upon mackerel alone, and of \$300,000 upon all kinds of fish (mackerel included) and fish-oil.

Upon these figures it is quite obvious that were the profits of the fishery privilege enjoyed by our people under Article XVIII ten-fold what the statistics show, or \$250,000 per annum, and were the concession of duty treated as but one-half of it, or \$150,000 per annum, a gain to the Canadian fisheries under Article XXI, there would be but the sum of \$100,000 per annum as a support of the two Commissioners' award of nearly \$500,000 per annum as the balance of benefit to the United States. Another and quite independent criterion for testing the competency of the two Commissioners' award, is furnished by the history of this fishery privilege during some years intervening between the repeal of the Reciprocity Treaty and the negotiation of the Treaty of Washington. The Provincial Government in these years adopted a license system by which fishing vessels of the United States were admitted to the inshore fishery upon the payment of fees for the season at the rate of so much per ton. The experience of this system showed that, under an exaction of 50 cents per ton, our fishing fleet generally took out licenses; that when the fee was raised to \$1 per ton the number of licenses fell off about one-half; and when a fee of \$2 per ton was exacted but few licenses were taken out. It would not be easy to suggest a more practical or trustworthy measure of the pecuniary value to our fishermen of a participation in the inshore fisheries of the Gulf of Saint Lawrence, than a fair experiment of the license system would

afford. Assuming, even, that the tonnage licensed at the lowest rate, to wit, 50 cents per ton, would have borne the largest rate attempted, to wit, \$2 per ton, and the result places the proprietary value of the privilege at an inconsiderable sum. This tonnage was about 32,000 tons, which, at \$2 per ton, would have produced a revenue to the provinces of but \$64,000 per annum. If against this measure of the value of the privileges accorded to the United States under Article XVIII, there be set off the low estimate of the value of exemption from duty, as hereinbefore stated, at \$150,000 per annum, the concession made by the United States under Article XXI, the balance of advantage of the reciprocal concessions appears clearly in favor of the Canadian interests.

In the review of the transaction of the Fishery Commission, as recorded in the papers herewith submitted, which it was necessary for this government to make, in order to determine whether the limits of the subject submitted to the Commission had been adhered to or transcended by the two Commissioners' award, I have assumed the construction of the evidence, bearing upon the values involved, most favorable to the maintenance of the award.

The result, however, of my examination of the case satisfies me that the two Commissioners must have taken into account some very indefinite and quite illusory elements of calculation, wholly outside of the narrow submission of the treaty, in order to bring out the weighty balance of advantage to the United States which their award expresses. As the Commissioners have given no information as to the steps or methods of calculation, respecting either of the privileges which were to be measured and compared by them, which led to the award they have made, I am unable to correct my own view of the evidence by any instruction from that source.

It will be for Congress to determine in making an appropriation to meet the proper obligations of the government under the treaty, whether the question of the non-conformity of the award to the submission, should be presented to the attention of the British Government, and be made the subject of consideration between the two governments. The question between the two countries is of much more serious import than the present money payment involved. The subject of valuation will remain as an occasion of controversy, after the brief treaty period covered by this award has expired. Seven years hence, if no final negotiation shall, in the mean time, have extinguished this opportunity for umbrage and misunderstanding between the two countries, the subject of the inshore fisheries will again vex the patience of the governments, and disturb their relations. The mischief of an extravagant and inexplicable measure of value, if acquiesced in by a payment of this award, without an absolute and firm protest against its measure of the fishery privilege involved, will then present itself, and may grow into an unmanageable element in future treatment of the subject in the interest of justice and peace.

By Article XXII of the treaty the award is made payable within twelve months after it shall have been given; that is, on or before the 23d day of November, in the present year. While the appropriation by Congress will need to be made at the present session, there will be abundant time, before the expiration of the year, to bring to the attention of the British Government the sentiments of this government, as they shall be expressed by Congress, on the subject of the award, and its payment, and the measure of value of the fishery privilege involved therein.

Respectfully submitted,

WM. M. EVARTS.

To the PRESIDENT.

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# TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN.

## ARTICLES RELATING TO THE FISHERIES.

*Concluded May 8, 1871; ratifications exchanged June 17, 1871; proclaimed July 4, 1871.*

### ARTICLE XVIII.

It is agreed by the High Contracting Parties that, in addition to the liberties secured to the United States fishermen by the Convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen.

### ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

**ARTICLE XX.**

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said first article of the treaty of the 5th of June, 1854.

**ARTICLE XXI.**

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

**ARTICLE XXII.**

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

**ARTICLE XXIII.**

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omit-

ting or ceasing to act, the vacancy shall be filled in the manner herein-before provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

#### ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

#### ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

#### ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great

Britain or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

#### ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary-line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

#### ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purpose of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

#### ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's Possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's Possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said Possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said Possessions may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or mer-

chandise may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

#### ARTICLE XXX.

It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may, for the like period, carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the Possessions of Her Britannic Majesty in North America to another port or place within the said Possessions: Provided, That a portion of such transportation is made through the territory of the United States by land-carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

#### ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty, for such period as such export or other duty may be levied.

## ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this Treaty.

## ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and, further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

*Mr. Foster to Mr. Evarts.*

WASHINGTON, December 13, 1877.

SIR: I have the honor to transmit to you the complete record of the proceedings of the Halifax Commission, under Articles XVIII to XXIII of the Treaty of Washington, signed May 8, 1871, together with the result arrived at by the Commissioners.

On the 15th of June, A. D. 1877, the Commission met and organized. On that day the rules of procedure were adopted, and the case of Her Majesty's Government was filed. The Commission adjourned from June 16 to July 28, during which interval I prepared and filed the answer on behalf of the United States, and a reply to the answer was filed by the British Agent.

The regular sessions of the Commission began on the 28th of July, and the time was occupied until the 18th of September, principally in the examination of witnesses and reading of affidavits in support of the case of Her Majesty's Government. During that time, two interlocutory discussions took place of considerable importance.

On the 28th of August, the counsel of the United States made a strenuous effort to obtain some arrangement by which the arguments should be so alternated as to give them fair notice of the grounds to be taken and positions to be maintained in the final reply on behalf of Great Britain, especially as regards the bearing of their testimony and statistics, as to which their case filed would be of little use. This was particularly important, because no oral opening whatever had been made by the Agent or counsel of Her Majesty. Although the rules of

procedure seemed clearly to contemplate an opening upon the evidence, they did not in terms require one. This application was refused by a majority of the Commissioners, Mr. Kellogg dissenting. And the final result was, that the three arguments on behalf of the United States were compelled to be made first, and were followed by three arguments on behalf of Great Britain.

It was, and is, the opinion of the counsel and Agent of the United States that it would have been fairer and more consonant with usage to have arranged some order of arguments, by which the counsel for the United States might hear something from the British counsel as to the bearing and use to be made of the evidence before their own arguments were completed, reserving to the British Government the advantage of the final reply.

During the progress of the evidence offered for Her Britannic Majesty, it became obvious that a very large, if not the greater, part of the British claim was based upon alleged advantages of a commercial character, which, whether valuable or not, were certainly not secured to the citizens of the United States by the articles of the treaty of 1871.

I therefore, on the 1st of September, made the following motion, for the purpose of excluding these pretended advantages from consideration, and thus relieving us from the necessity of swelling an already enormous volume of testimony by evidence on points clearly irrelevant to the true issue :

The counsel and Agent of the United States ask the honorable Commissioners to rule and declare that it is not competent for this Commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting from the practice of purchasing bait, ice, supplies, &c., and from being allowed to tranship cargoes in British waters, do not constitute a foundation for award of compensation, and shall be wholly excluded from the consideration of this tribunal.

On the 5th and 6th September this motion was fully argued on both sides, and at the close of the argument the Commission unanimously rendered the following decision :

The Commission, having considered the motion submitted by the Agent of the United States at the conference held on the 1st instant, decide :

That it is not within the competence of this tribunal to award compensation for commercial intercourse between the two countries, nor for purchasing bait, ice, supplies, &c., nor for permission to tranship cargoes in British waters.

The British case had (page 29) made the following emphatic statement:

Freedom to transfer cargoes, to outfit vessels, buy supplies, obtain bait, and traffic generally in British ports and harbors, or to transact other business ashore, not necessarily connected with fishing pursuits, are secondary privileges, which materially enhance the principal concessions to United States citizens. *These advantages are indispensable to the success of foreign fishing on Canadian coasts; without such facilities, fishing operations, both inside and outside of the in-shores, cannot be conducted on an extensive and remunerative scale.*

Naturally, therefore, the Agent and counsel of the United States felt that this decision of the Commission eliminated from the British claim its largest element of value, and that they were not only at liberty but bound to confine themselves to the consideration of what was left, namely, the value of the specific fisheries which had been opened to the citizens of the United States by the XVIII. Article of the treaty of 1871; and in this opinion they were confirmed by the language of Sir Alexander Galt, one of the Commissioners, in expressing his concurrence in the decision :

I listened with very great pleasure to the extremely able arguments made on both sides, and I find that the effect of this motion and of the argument which has been given upon it is to limit the power of this tribunal to certain specified points. This

definition is undoubtedly important in its consequences. It eliminates from the consideration of the Commission an important part of the case submitted on behalf of Her Majesty's Government, and this is undoubtedly the case, so far as this part forms a direct claim for compensation.

The evidence on behalf of the United States commenced on the 19th day of September and closed on the 24th of October. During that time seventy-eight witnesses were examined orally, nearly all of whom came from the fishing-towns of Maine and Massachusetts, and had been practical fishermen and commanders of fishing-schooners. Among them, however, were a number of the largest fish-dealers and owners of fishing-vessels in the United States.

I also introduced two hundred and eighty affidavits and a great mass of statistics gathered from the United States Bureau of Statistics, the custom-house of Boston and Gloucester, and the returns of the Massachusetts inspector-general of fish.

Much use was made of Canadian public documents and of the diplomatic and legislative discussions of questions connected with the British North American fisheries, the rights of the citizens of the United States to use them under the convention of 1818, and the limitations of those rights by the terms of that convention, and upon the degree of importance of the extension of fishing-rights conferred on the United States by the Reciprocity Treaty and the Treaty of Washington.

The evidence as to the value to the Canadians of the remission of duties upon fish and fish-oil and of free access to the markets of the United States during the period of the Reciprocity Treaty; of the disastrous effect of the abrogation of that treaty upon the fishing interests of the Dominion; of the revival of those interests directly after the Treaty of Washington went into operation; of their present flourishing and prosperous condition; and of their favorable prospects for the future, seemed to me very full and conclusive.

On the other hand, it appeared, without contradiction, that ever since that treaty took effect, July 1, 1873, United States fishing in British waters had steadily declined; that it had become unprofitable, and was being gradually well-nigh abandoned. In addition to such direct testimony, no uncertain evidence of the practical participation of United States fishermen in the fisheries within the territorial waters of Canada and of the real value of such fishing was furnished by the history of the system of licenses adopted by the Dominion Government during the years intervening between the termination of the Reciprocity Treaty of 1854 and the execution of the Treaty of Washington. During these years, from 1866 to 1870, the Dominion issued licenses permitting United States fishermen to fish within the three-mile limit upon payment of a fixed tonnage-fee, which, at first, was 50 cents per ton, and was afterward raised to \$1 and then to \$2 per ton.

It appeared in evidence that, at 50 cents per ton, licenses were almost universally taken, and when the fee was increased to \$1, the taking of licenses was reduced about one-half, and that when it reached \$2, hardly any were procured, that amount being a tax too onerous for reasonable profit; and when the licenses were taken, the fee was paid, not as representing the mercantile value of the right, but largely to escape annoyance, litigation, and the uncertainties arising out of the claim of the Canadians to draw lines of exclusion between headlands. The largest number of United States vessels taking out licenses during any of these years was 454, which, at the high average of 70 tons a vessel, would be 31,780 tons. Putting these licenses at the highest point, \$2 per ton, that would make an amount of \$63,560 annually. This indicates what

the Dominion Government was willing to accept as the price of that privilege, and the conviction of the United States fishermen that they could not afford to pay such an amount, and preferred exclusion from the limits to its payment.

The mackerel-fishery is the only one pursued by United States fishermen, to any considerable extent, within Canadian territorial waters. And as to this the evidence seemed to me to show conclusively that only a very small fraction of the mackerel taken in the Gulf of Saint Lawrence or elsewhere adjacent to the British North American possessions has ever been caught within the three-mile zone. Upon a careful review of all the evidence, it is my deliberate opinion that annual interest at 5 per cent. upon the sum which two of the Commissioners have attempted to award far exceeds the commercial value of all the fish drawn from Canadian waters by American fishermen after they are caught and landed upon shore. If it were a simple question how much should be paid for the privilege of fishing within these limits, the result arrived at by the two Commissioners would be an erroneously exaggerated valuation.

But by the terms of the treaty the Commissioners were enjoined, by way of offset, to have regard to the value of the concession of a vested right to import fish and fish-oil duty free into the United States. The direct pecuniary gains, accruing to the Canadians from this concession, were shown to amount to between three hundred thousand and four hundred thousand dollars annually and to be constantly increasing.

I am constrained to believe that the majority of the Commissioners must have wholly disregarded this element in their conclusion, though upon what grounds they did so I am quite unable to conjecture.

Upon the conclusion of the evidence I thought—and in this opinion the eminent counsel associated with me in the conduct of the case fully agreed—that it had been proved conclusively that the mackerel-fishery of the Gulf of Saint Lawrence was so variable that it offered no certainty of profit; that the fishing by United States vessels in Canadian territorial waters was only occasional, and in amount bore but a small proportion to their fishing in the body of the Gulf of Saint Lawrence which is a part of the open sea and free to all mankind, and in the inshore fisheries, which were free to them under the convention of 1818; that the development of the United States coast fishery has offered, and would continue to offer, a more profitable field for the industry and capital of United States fishermen; that the supply of fish from the lakes and the transport of fresh fish far into the interior, were superseding the use of salted mackerel as an article of food; that the markets of the United States had always been, and from the nature of things must continue to be, indispensable to the prosecution of their own fisheries by the Canadians, and that the gain to them by the remission of duties had been between three and four hundred thousand dollars annually and was steadily increasing.

The decision of September 6 having, in the language of Sir Alexander Galt, “eliminated an important part of Her Majesty’s case, so far as that part found a direct claim for compensation,” we felt that if the Commissioners were to be governed by the law and the evidence, they ought not to make any award against the United States, and we are of the same opinion still.

I feel it my duty to say that the result arrived at by a majority of the Commissioners, whether it does or does not constitute a valid award under the treaty, should never be accepted as a valuation of the inshore fisheries, entitled to weight, after the expiration of the period embraced in

the treaty. This is also the opinion of my associates, and I believe it to be the universal opinion of the United States fishermen, fish-dealers, and owners of fishing-vessels. The importance to the Canadians of access to the United States markets is so indispensable, that the control over fish importations will constitute the means of eventually securing to this country an indemnity against any injustice which we may have received in this measure of the value of the inshore fisheries, and of preventing any further exposure to such injustice.

If the United States fishermen in the Gulf of Saint Lawrence had been promptly and fully protected from illegal molestations while exercising the rights enjoyed under the convention of 1818, very little would ever have been heard about the importance to them of fishing in British territorial waters.

You will observe that two of the Commissioners agreed in their estimate of the sum of \$5,500,000 as due by the United States, while the third expressed the opinion that nothing was due by the United States, and that the advantages exchanged were completely equalized by the terms of the treaty itself.

Having no specific instructions for such a contingency, it appeared to me to be my duty to receive this communication simply for transmission, and to preserve for the government of her Britannic Majesty and the United States the right to determine for themselves whether a decision not unanimous on its face was a proper and valid award under the provisions of the treaty.

I venture to hope that my language as recorded in the final protocol will be found apt and sufficient for the purpose.

I desire to bear testimony to the great industry and fidelity with which the counsel of the United States, Hon. Richard H. Dana, jr., and Hon. William Henry Trescot, performed their share of the labor of the trial, and to the thoroughness and ability of their final arguments. It was an unspeakable relief to have the responsibilities devolved upon me shared by such able coadjutors.

I also received important assistance in the preparation of the evidence from F. J. Babson, esq., collector of the port of Gloucester.

The presence at Halifax of Prof. S. F. Baird, United States Fish Commissioner, and his staff of assistants was of great value.

From the time when I was first employed by the government in 1873 down to the end of the sessions of the Commission, I received constant assistance from Judge M. M. Jackson, United States consul at Halifax, who in familiar and thorough knowledge of all questions relating to the fisheries is surpassed by no one, and who in this matter, as in all his other official duties, has represented the interests of his country most faithfully, ably, and honorably.

I have the honor to be, sir, your obedient servant,

DWIGHT FOSTER,

*Agent of the United States before the Halifax Commission.*

Hon. WILLIAM M. EVARTS,  
*Secretary of State.*

**RECORD OF THE PROCEEDINGS OF THE HALIFAX COMMISSION, 1877.**

**LIST OF APPENDICES.**

- A.—Case of Her Britannic Majesty's Government.
- B.—Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government.
- C.—Brief of the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic Coast of British North America.
- D.—Reply on behalf of Her Britannic Majesty's Government to the answer of the United States of America.
- E.—Documents filed in support of the Case of Her Britannic Majesty's Government.
- F.—British evidence.
- G.—British affidavits.
- H.—Official correspondence showing the encroachments of United States fishermen in British North American waters.
- I.—Newfoundland statistics.
- J.—Arguments of counsel before the Halifax Commission, including the final arguments.
- K.—Brief on behalf of Her Britannic Majesty's Government in reply to the brief for the United States.
- L.—United States evidence.
- M.—United States affidavits.
- N.—Document filed by the counsel for Newfoundland.
- O.—United States statistics.
- P.—Judgments in vice-admiralty court.
- Q.—Testimony in rebuttal on behalf of Her Britannic Majesty's Government.
- R.—Documents filed by United States counsel respecting insurance and shipping papers.

**PROTOCOLS OF EACH DAY'S CONFERENCE.**

**PROTOCOL I.**

*Record of the proceedings of the Commission appointed under Articles 22 and 23 of the Treaty of Washington, of the 8th of May, 1871, at the first conference held at Halifax, Nova Scotia, on the 15th day of June, 1877.*

The conference was convened at the Legislative Council Chamber, at Halifax, in accordance with an arrangement previously made between the three Commissioners.

The Commissioners who were present and produced their respective powers, which were examined and found to be in good and due form, were:

His Excellency Monsieur Maurice Delfosse, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, at Washington, named by the Ambassador at London, of His Imperial Majesty the Emperor of Austria-Hungary;

The Hon. Ensign H. Kellogg, named by the President of the United States; and

Sir Alexander T. Galt, K. C. M. G., named by Her Britannic Majesty. The Hon. Dwight Foster attended the conference as Agent of the United States, and Francis Clare Ford, esq., attended as Agent of Her Britannic Majesty.

The Hon. Ensign H. Kellogg then proposed that M. Delfosse should preside over the labors of the mission; and

M. Delfosse having expressed his acknowledgments, assumed the Presidency.

Sir A. T. Galt then requested M. Delfosse to name some suitable person to act as Secretary of the Commission. M. Delfosse named J. H. G. Bergne, esq., of the Foreign Office, London, who accepted the position.

The Commissioners thereupon proceeded to make and subscribe the following solemn declaration, which was read by the Secretary, and signed in duplicate by each of the Commissioners:

"We, the undersigned, namely, His Excellency Monsieur Maurice Delfosse, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, at Washington, etc., etc., etc., appointed by the Ambassador in London of His Imperial Majesty the Emperor of Austria-Hungary;

"The Honorable Ensign H. Kellogg, etc., etc., etc., appointed by the President of the United States; and

"Sir Alexander Tillock Galt, K. C. M. G., etc., etc., etc., appointed by Her Britannic Majesty;

"Having met at Halifax as Commissioners under Article 22 of the Treaty of Washington of the eighth of May, 1871, to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles 19 and 21 of the said Treaty; the amount of any compensation which, in our opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States, under Article 18 of the said Treaty, do hereby solemnly declare that we will impartially and carefully examine and decide the matters referred to us, to the best of our judgment, and according to justice and equity;

In witness whereof we have hereunto subscribed our names, this fifteenth day of June, one thousand eight hundred and seventy-seven."

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

Mr. Ford then produced his commission as Agent of Her Britannic Majesty, which was found to be in due form. Mr. Foster also produced his commission as Agent of the United States, which was likewise found to be in due form.

Mr. Foster then produced a draft of rules proposed for the procedure of the Commission, which had been submitted to him by Mr. Ford. To these, he said, that in the main he agreed, but took exception to certain of them which contemplated the appearance of counsel on either side, as well as the accredited Agents. He submitted to the Commissioners that no person other than the Agent, on either side, should be permitted to address the court.

Mr. Ford objected to this view, and contended that counsel should be permitted to address the court.

Mr. Foster, in reply, gave his reasons for maintaining his contention.

The Commissioners thereupon retired to deliberate, and on their return M. Delfosse announced the following decision :

"The Commissioners having considered the statements made by the Agents of the respective governments; decide, That each Agent may be heard personally or by counsel, but in the case of the British Agent he shall be limited to five, as representing the Maritime Provinces on the Atlantic coast of British North America; and in the case of the Agent of the United States he shall be allowed a similar number."

Mr. Ford then stated that he desired to raise an important point, viz.: whether ex parte affidavits should be admitted as written testimony, under the terms of Article 24 of the Treaty of Washington. He contended that such ex parte affidavits should not be admissible before the Commission.

Mr. Foster, on the other hand, contended that such ex parte affidavits should be admitted as written testimony, the Commissioners being left to attach to them such value as they might think fit.

Mr. S. R. Thomson, on the part of Great Britain, maintained the views expressed by Mr. Ford on this point.

The Commissioners then retired to deliberate, and on their return, M. Delfosse announced that the Commissioners had decided that affidavits should be admitted.

The Commissioners then again retired for deliberation, and on their return, M. Delfosse stated that the following rules had been adopted for the procedure of the court; and directed them to be read by the Secretary:—

#### RULES FOR THE PROCEDURE OF THE HALIFAX COMMISSION.

I. When the Commissioners shall have completed all necessary preliminary arrangements, the British Agent shall present a copy of the "Case" of Her Majesty's Government to each of the Commissioners, and duplicate copies to the United States Agent.

II. The court shall thereupon adjourn for a period of six weeks, on the expiration of one-half of which period, the United States Agent shall deliver to the Secretary of the Commission at least twelve copies of the Counter-case of the United States Government. The British Agent shall, three days before the meeting of the court, after such adjournment, deliver to the Secretary of the Commission at least twelve copies of the "Reply" of Her Majesty's Government.

III. The evidence brought forward in support of the British Case must be closed within a period of six weeks after the case shall have been opened by the British counsel, unless a further time be allowed by the Commissioners on application. The evidence brought forward in support of the United States Counter-case must be closed within a similar period, after the opening of the United States Case in answer, unless a further time be allowed by the Commissioners on application. A period of fourteen days shall then be allowed for the evidence in reply on the British side, unless a further time be allowed by the Commissioners on application. But as soon as the evidence in support of the British Case is closed that in support of the United States shall be commenced, and as soon as that is closed the evidence in reply shall be commenced. After which, arguments shall be delivered on the part of the United States, in writing, within a period of ten days, unless a further time be allowed by the Commissioners on application, and arguments in closing on the British side shall be delivered in writing within a further period of ten days, unless a further time be allowed by the Commissioners on application. Then the case on either side shall be considered as finally closed, unless the Commissioners shall direct further arguments upon the especial points, the British Government having in

such case the right of general reply; and the Commissioners shall at once proceed to consider their award. The periods thus allowed for hearing the evidence shall be without counting any days of adjournment that may be ordered by the Commissioners.

IV. The Commissioners shall meet from day to day at the place appointed, unless otherwise adjourned.

V. The Secretary shall keep a record of the proceedings of the Commission upon each day of its session, which shall be read at the next meeting, and signed, after approval, by the Commissioners, the Secretary, and the Agents.

VI. The Secretary shall keep a Notice Book, in which entries may be made by the Agent or Counsel for either Government, and all entries in such book shall be due notice to the opposing Agent or Counsel.

VII. The minutes of proceedings and evidence shall be kept in duplicate, one of which will be delivered to the Agent of each Government at the close of the proceedings.

VIII. One Counsel only shall be allowed to examine a witness, and one Counsel only to cross-examine the same witness, unless otherwise allowed by the Commissioners.

IX. The oral evidence shall be certified by the reporters taking the same.

X. The Secretary will have charge of all the books and papers of the Commission, and no papers shall be withdrawn from the files or taken from the office without an order of the Commission. The Agent or Counsel on either side shall, however, be allowed access to such books and papers for purposes of reference, and at the close of the proceedings books and papers filed shall be returned to the respective parties who may have produced them.

XI. All witnesses shall be examined on oath or solemn affirmation, and *ex parte* affidavits are to be admitted.

XII. The Award shall be made out in duplicate, and copy be presented to respective Agents of the two Governments.

XIII. The Commissioners shall have power to alter, amend, add to, suspend, or annul, any of the foregoing rules as may seem to them expedient during the course of the proceedings.

Mr. Ford then proceeded to name the British Counsel, as follows:

Joseph Doutre, esq., Q. C., of Montreal.

S. R. Thomson, esq., Q. C., of St. John, New Brunswick.

Hon. W. V. Whiteway, of St. John's, Newfoundland.

Hon. Louis H. Davies, of Charlottetown, Prince Edward Island, and R. L. Wetherbe, esq., Q. C., of Halifax, Nova Scotia.

Mr. Foster stated that he would request permission to name the counsel on the part of the United States, after such adjournment, as might be decided on after the presentation of the "Case" of Her Majesty's Government, which request was acceded to by the Commissioners.

Mr. Ford then presented to each of the Commissioners a copy of the "Case" of Her Majesty's Government, and duplicate copies to the United States Agent, accompanied by a list of the Documents to be filed with the Secretary in support of the "Case." (See Appendix A.)

The Commission thereupon adjourned until the next day, the sixteenth June, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL II.

*Record of the proceedings of the Fisheries Commission at the second conference, held at Halifax, Nova Scotia, on the 16th day of June, 1877.*

The conference was held pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

The President having directed the Secretary to read the records of the last conference, these were approved, and signed by the Commissioners, the Secretary, and the Agents.

The commission was thereupon adjourned until Saturday, the 28th day of July, at 11 a. m.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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## PROTOCOL III.

*Record of proceedings of the Fisheries Commission at the third conference, held at Halifax, Nova Scotia, on the 28th day of July, 1877.*

The Commission met pursuant to adjournment.

The three Commissioners and the Agents of the United States and of Great Britain, respectively, were present.

The Secretary reported that during the adjournment the United States Agent had, in compliance with the second rule adopted for the procedure of the Commission, delivered to him twelve copies of the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government" (Appendix B.)

This "Answer" was accompanied by a "Brief for the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic coast of British North America." (Appendix C.)

Copies of both documents were forwarded by the Secretary on Monday, the 9th July, to each of the Commissioners.

In conformity with the same rule, the British Agent had delivered to the Secretary twelve copies of the "Reply on behalf of Her Britannic Majesty's Government to the Answer of the United States of America." (Appendix D.)

A copy of this document was forwarded by the Secretary to each of the Commissioners, on the 26th day of July.

The Secretary, by direction of the President, then read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster then proceeded to name the counsel retained on behalf of the United States, as follows: Mr. William H. Trescot, of Washington, and Mr. Richard H. Dana, jr., of Boston.

Mr. Foster added that he might possibly, although not probably, name others at a later day.

The Secretary then informed the President that, subject to the approval of the Commissioners, the services of Mr. George B. Bradley,

and of Mr. John A. Lumsden, had been secured as stenographic reporters of the proceedings of the Commission. The Commissioners were pleased to express their approval.

The President next requested the Secretary to record the fact that the proceedings of the Commission would be of a strictly private character.

Mr. Ford then proposed that the sittings of the Commission should, unless otherwise ordered, be held daily, from noon to 4 p. m., Saturday, and Sundays excepted.

Mr. Foster concurred in the proposed arrangement, which was agreed to by the Commissioners, on the understanding that if time were found to press the hours of the daily sittings should be lengthened.

The Commission then adjourned until Monday, the 30th July, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL IV.

*Record of the proceedings of the Fisheries Commission at the fourth conference, held at Halifax, Nova Scotia, on the 30th day of July, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster then requested permission to introduce Mr. J. S. D. Thomson, of Halifax, and Mr. Alfred Foster, of Boston, who would attend the Commission to perform such duties on behalf of the United States as might be assigned to them. He added that Mr. Henry A. Blood, of Washington, would also attend to render clerical assistance.

Mr. S. R. Thomson, rising to open the case of Her Britannic Majesty's Government, stated that he proposed to commence by reading the printed "Case" submitted to the Commissioners on behalf of Her Britannic Majesty's Government.

This he proceeded to do, and the documents therein referred to were read in due order by the Secretary. These will be found in a collective form in Appendix E.

Mr. Foster then proceeded to read the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government," printed copies of which had already been submitted to the Commissioners. He stated, however, that such reading formed no part of his opening, in course of which he proposed to quote extracts from the "Answer."

The reading of the "Answer" was unfinished at 4 p. m., when the Commission adjourned till next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL V.

*Record of the proceedings of the Fisheries Commission at the fifth conference, held at Halifax, Nova Scotia, on the 31st day of July, 1877.*

The conference met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The Secretary next read an entry which had been made in the notice-book by the United States Agent, requesting the production of certain documents.

Mr. Foster then continued the reading of the "Answer on behalf of the United States of America to the Case of Her Britannic Majesty's Government," on the conclusion of which, Mr. S. R. Thomson read "The Reply on behalf of Her Britannic Majesty's Government to the Answer of the United States of America."

The Secretary read in due order "The Instructions to Her Majesty's High Commissioners, and Protocols of Conferences held at Washington between February 27 and May 6, 1871, so far as this paper relates to the fisheries." (No. 15, Appendix E.)

Mr. S. R. Thomson, on concluding the reading of the "Reply," said that the "Case of Her Majesty's Government," the "Answer of the United States," and the "Reply of Her Majesty's Government" having now been read, he would leave the case, as brought out in evidence, in the hands of the Commissioners, who, he was confident, would carefully and impartially decide upon it. By arriving at a fair and equitable decision they would remove a source of irritation between Great Britain and the United States, and earn a lasting title to the gratitude of two great and friendly nations.

The Commission then proceeded to take evidence in support of the "Case of Her Britannic Majesty's Government."

Simon Chivirie, a fisherman, residing at Souris, Prince Edward Island, was called, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix F.)

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL VI.

*Record of the proceedings of the Fisheries Commission at the sixth conference, held at Halifax, Nova Scotia, on the 1st day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Simon Chivirie, of Souris, Prince Edward Island, was resumed by Mr. Davies.

Mr. Foster cross-examined the witness.

Mr. James R. Maclean, of Souris, merchant, a member of the legislative assembly of Prince Edward Island, was called, and gave evidence on oath on matters connected with the inquiry. (No. 2, Appendix F.)

The witness was cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL VII.

*Record of the proceedings of the Fisheries Commission at the seventh conference, held at Halifax, Nova Scotia, on the 2d day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. James R. Maclean was resumed by Mr. Dana.

Mr. John F. Campion, of Souris, Prince Edward Island, a trader principally in fish, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 3, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Joseph Campbell, of Souris, Prince Edward Island, a fisherman by trade, was called, and gave evidence on oath on matters connected with the inquiry. (No. 4, Appendix F.)

The witness was examined by Mr. Davies.

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL VIII.

*Record of the proceedings of the Fisheries Commission at the eighth conference, held at Halifax, Nova Scotia, on the 3rd day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Joseph Campbell was resumed by Mr. Davies. The witness was cross-examined by Mr. Dana.

Mr. William S. McNeil, of Rustico, Prince Edward Island, a justice of the peace, and formerly a member of the local legislature, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 5, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Stanislaus F. Perry (or Poirier), of Tignish, Prince Edward Island, a member of the Dominion House of Commons, a farmer, mill-owner, and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 6, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Joseph Campbell was recalled and re-examined by Mr. Dana.

Mr. Davies then read affidavits made relative to the present inquiry by—

Mr. Alexander W. MacNeil, of Cavendish, Prince Edward Island, a justice of the peace, farmer, and fisherman (No. 1, Appendix G), and by Mr. Hugh John Montgomery, of New London, Prince Edward Island, merchant (No. 2, Appendix G).

The Commission adjourned till Monday, the 6th day of August, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL IX.

*Record of the proceedings of the Fisheries Commission at the ninth conference, held at Halifax, Nova Scotia, on the 6th day of August, 1877.*

The Commission met at noon pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The Secretary then reported that the services of Mr. Benjamin Russell had been secured as an additional short-hand reporter, and the President expressed his approval.

The Secretary next requested permission to withdraw from the archives the affidavits filed with him, for the purpose of printing them at convenient periods. This permission was granted.

M. George William Howlan, of Cascumpec, Prince Edward Island, a senator of the Dominion of Canada, formerly a member of the executive council of Prince Edward Island, and consular agent of the United States at Cascumpec, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (Appendix F, No. 7.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Trescot.

Mr. R. S. Thomson then proceeded to read affidavits made by the following persons on matters connected with the inquiry:

- Mr. John D. White, of Alberton. (No. 3, Appendix G.)
- Mr. Sylvain F. Arsineaux, of Tignish. (No. 4, Appendix G.)
- Mr. Alexander Francis Larkin, of Nail Pond. (No. 5, Appendix G.)
- Mr. James Conroy, of Kildare. (No. 6, Appendix G.)
- Mr. James F. White, of Alberton. (No. 7, Appendix G.)
- Mr. Meddie Gallant, of Big Mimnigast. (No. 8, Appendix G.)
- Mr. James Skerry, of Cascumpec. (No. 9, Appendix G.)
- Mr. John Champion, of Cascumpec. (No. 10, Appendix G.)
- Mr. Sebastian Davidson, of Tignish. (No. 11, Appendix G.)
- Mr. William Champion, of Cascumpec. (No. 12, Appendix G.)
- Mr. James McDonald, of East Point. (No. 13, Appendix G.)
- Mr. James H. Davidson, of Tignish. (No. 14, Appendix G.)
- Mr. Joseph Campbell, of Souris. (No. 15, Appendix G.)
- Mr. Alexander Chivirie, of Souris. (No. 16, Appendix G.)
- Mr. James F. Morrisay, of Tignish. (No. 17, Appendix G.)

The Commission adjourned at 4 p. m. until next day at noon.

Maurice DelFosse.

E. H. Kellogg.

A. T. Galt.

Francis Clare Ford.

Dwight Foster.

J. H. G. Bergne.

#### PROTOCOL X.

*Record of the proceedings of the Fisheries Commission at the tenth conference, held at Halifax, Nova Scotia, on the 7th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Weatherbe proceeded to read a collection of "Official correspondence from the years 1827 to 1872, inclusive, showing the encroachments of United States fishermen in British North American waters since the conclusion of the convention of 1818." (Appendix H.)

Mr. S. R. Thomson then read affidavits made by the following persons, on matters connected with the inquiry:

- Mr. E. Hackett, of Tignish. (No. 18, Appendix G.)
- Mr. M. O'Connor, of Kildare Cape. (No. 19, Appendix G.)
- Mr. Alexander Larkin, of Alberton. (No. 20, Appendix G.)
- Mr. Gilbert Perry, of Frog Pond. (No. 21, Appendix G.)
- Mr. A. J. Gaudet, of Nail Pond. (No. 22, Appendix G.)
- Mr. William S. Larkin, of Nail Pond. (No. 23, Appendix G.)
- Mr. Michael Foley, of Alberton. (No. 24, Appendix G.)
- Mr. Marshal Pacquet, of Souris. (No. 25, Appendix G.)
- Mr. Peter Deagle, of Rollo Bay. (No. 26, Appendix G.)
- Mr. Samuel Prowse, of Murray Harbor. (No. 27, Appendix G.)
- Mr. Daniel McPhee, of Big Pond. (No. 28, Appendix G.)

Mr. Malcolm McFayden, of Murray Harbor. (No. 29, Appendix G.)  
 Mr. Charles W. Dunn, of Murray Harbor. (No. 30, Appendix G.)  
 Mr. James Howlett, of Georgetown. (No. 31, Appendix G.)  
 Mr. John Graham, of Cavendish. (No. 32, Appendix G.)  
 Mr. John R. McDonald, of St. Margaret's. (No. 33, Appendix G.)  
 Mr. Colin McKenzie, of French River, New London. (No. 34, Appendix G.)

Mr. Alphonse Gilman, of Malpeque. (No. 35, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XI.

*Record of the proceedings of the Fisheries Commission at the eleventh conference, held at Halifax, Nova Scotia, on the 8th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners the Secretary, and the Agents.

Mr. George Harbour, of Sandy Beach, Gaspé, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 8, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. William Sinnett, of Griffin's Cove, Gaspé County, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. Gregoire Grigny, of Newport, Gaspé County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. William McLeod, of Port Daniel, in the county of Gaspe, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix F.)

The witness was examined by Mr. S. R. Thomson.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XII.

*Record of the proceedings of the Fisheries Commission at the twelfth conference, held at Halifax, Nova Scotia, on the 9th day of August, 1877.*

The Commission met according to appointment.

The three Commissioners, and the Agents of Great Britain and of the United States, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. William McLeod was resumed by Mr. S. R. Thomson.

The witness was cross-examined by Mr. Dana.

Mr. Philip Vibert, of Percé, in the county of Gaspé, a general insurance, and commission agent, Lloyd's agent, and formerly high sheriff for the county of Gaspé, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Foster.

Mr. Weatherbe then proceeded to read affidavits made on matters connected with the inquiry by the following persons:

Mr. E. Marshall, of the Island of Anticosti. (No. 36, Appendix G.)

Mr. James A. Nickerson, of Margaret's Bay. (No. 37, Appendix G.)

Mr. J. L. Ingraham, of North Sydney. (No. 38, Appendix G.)

Mr. Foster then read the following statement:

"Referring to page 20 of the 'Answer on behalf of the United States,' and to Chapter VI of the 'Reply on behalf of Her Majesty's Government,' thereto, the Agent of the United States desires to state that upon an examination of the full text of the correspondence and instructions referred to therein, which have been kindly furnished to him by the Agent of Her Majesty's Government, it appears to be true, as asserted in the 'Reply,' that the offer cited in the 'Answer' was a part of a general proposition as to commercial relations. The 'Answer' was prepared without access to the original documents since furnished, and referred only to the letter of Sir Henry Bulwer, and the extract therein inclosed, which conveyed to the mind of the Agent of the United States the suggestion of an alternative negotiation, the one contemplating a general reciprocity, the other an arrangement confined to the fisheries, and proposing a narrower equivalent."

"An obvious error of citation also arose in copying or printing, which escaped attention in reading the proof."

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XIII.

*Record of the proceedings of the Fisheries Commission at the thirteenth conference, held at Halifax, Nova Scotia, on the 10th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

The Secretary, by direction of the President, read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John James Fox, of Amherst, Magdalen Islands, collector of customs, registrar of shipping, and overseer of fisheries, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Daua.

Mr. S. R. Thomson and Mr. Doutre then proceeded to read affidavits made on matters connected with the inquiry by the following persons:

Mr. John J. McPhee, of Big Pond, P. E. I. (No. 39, Appendix G.)

Mr. James McDonald, of Chepstow. (No. 40, Appendix G.)

Mr. James Nowlan, of Souris, P. E. I. (No. 41, Appendix G.)

Mr. John G. McNeil, of North Rustico, P. E. I. (No. 42, Appendix G.)

Mr. George McKenzie, of French River, P. E. I. (No. 43, Appendix G.)

The Commission then adjourned till Monday, the 13th day of August, at 11 a. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL XIV.

*Record of the proceedings of the Fisheries Commission at the fourteenth conference, held at Halifax, Nova Scotia, on the 13th day of August, 1877.*

The Commission met at 11 a. m., pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George McKenzie, of New London, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Thomas Roberts Bennett, judge of the district court at Harbor Grace, Newfoundland, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix F.)

The witness was examined by Mr. Whiteway.

The Commission adjourned at 2 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XV.

*Record of the proceedings of the Fisheries Commission at the fifteenth conference, held at Halifax, Nova Scotia, on the 14th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. T. R. Bennett was resumed by Mr. Whiteway.

The witness was cross-examined by Mr. Dana.

Mr. William Killigrew, of Saint John's, Newfoundland, merchant, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix F.)

The witness was examined by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XVI.

*Record of the proceedings of the Fisheries Commission at the sixteenth conference, held at Halifax, Nova Scotia, on the 15th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. W. Killigrew was resumed by Mr. Whiteway.

The witness was cross-examined by Mr. Foster.

Mr. James Oliphant Fraser, of the board of works department, Saint John's, Newfoundland, was next called, and gave evidence on oath, on matters connected with the inquiry. (No. 17, Appendix F.)

The witness was examined by Mr. Whiteway, and cross-examined by Mr. Dana.

The Commission then adjourned till the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XVII.

*Record of the proceedings of the Fisheries Commission at the seventeenth conference, held at Halifax, Nova Scotia, on the 16th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Angus Grant, of Port Hawkesbury, in the Strait of Canso, a merchant, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James McKay, deputy inspector of fish, at Port Mulgrave, in the Strait of Canso, a fisherman, was next called and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix F.)

The witness was examined by Mr. S. R. Thompson. No cross-examination was desired.

Mr. James Purcell, of Port Mulgrave, Strait of Canso, a revenue officer and collector of light dues, formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XVIII.

*Record of the proceedings of the Fisheries Commission at the eighteenth conference, held at Halifax, Nova Scotia, on the 17th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Captain E. Hardinge, C. B., R. N., aid-de-camp to Her Majesty the Queen, was called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. John Nicholson, of Louisburg, Cape Breton, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. John Maguire, of Steep Creek, Strait of Canso, a trader, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Foster.

Mr. Weatherbe then proceeded to read an affidavit made relative to the present inquiry by Mr. Peter Paint, sr., of Port Hawkesbury. (No. 44, Appendix G.)

Mr. William Brown, of Port Medway, Nova Scotia, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons :

Mr. George C. Lawrence, of Port Hastings, Nova Scotia. (No. 45, Appendix G.)

Mr. James B. Hadley, of Port Mulgrave, Nova Scotia. (No. 46, Appendix G.)

Mr. Michael Crispo, of Harbor-au-Bouche, in Nova Scotia. (No. 47, Appendix G.)

The Commission adjourned at 4 p. m. till Monday, the 20th day of August, at noon.

Maurice DelFosse.  
E. H. Kellogg.  
A. T. Galt.  
Francis Clare Ford.  
Dwight Foster.  
J. H. G. Bergne.

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#### PROTOCOL XIX.

*Record of the proceedings of the Fisheries Commission at the nineteenth conference, held at Halifax, Nova Scotia, on the 20th day of August, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Bigelow, of Wolfville, Nova Scotia, a merchant, and formerly United States consular agent at Cape Canso, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix F.)

The witness was examined by Mr. Weatherbe and cross examined by Mr. Foster.

Mr. John Stapleton, of Port Hawkesbury, hotel-keeper, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Michael Wrayton, of Barrington, Nova Scotia, ice-merchant, was

next called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Daniel C. Stuart, of Halifax, Nova Scotia, hotel-keeper, and formerly captain of a merchant-ship, was called, and gave evidence on oath on matters connected with the inquiry. (No. 28, Appendix F.)

The witness was examined by Mr. Weatherbe. No cross-examination was desired.

Mr. Whiteway then proceeded to read affidavits made relative to the present inquiry by the following persons:

Mr. Robert S. Munn, of Harbor Grace, Newfoundland. (No. 48, Appendix G.)

Mr. James S. Hayward, of St. John's, Newfoundland. (No. 49, Appendix G.)

(For table, see Appendix I.)

Mr. James S. Hayward, of St. John's, Newfoundland. (No. 50, Appendix G.)

Mr. J. J. Rogerson, of St. John's, Newfoundland. (No. 51, Appendix G.)

Mr. Joseph P. Deneff, of St. John's, Newfoundland. (No. 52, Appendix G.)

Mr. William H. Mulloy, of Gloucester, Mass. (No. 53, Appendix G.)

Mr. George Rose, of Little Bay, Newfoundland. (No. 54, Appendix G.)

Mr. John Evans, of English Harbor, Newfoundland. No. 55, Appendix G.)

Mr. John Rose, of Belloram, Newfoundland. (No. 56, Appendix G.)

Mr. Philip Hubert, of Harbor Breton, Newfoundland. (No. 57, Appendix G.)

Mr. George J. R. Snellgrove, of Saint Jacques, Newfoundland. (No. 58, Appendix G.)

Mr. Henry Giovanninni, of Rencontre, Newfoundland. (No. 59, Appendix G.)

Mr. James P. Snook, of Fortune, Newfoundland. (No. 60, Appendix G.)

Mr. William G. Bennett, of Fortune, Newfoundland. (No. 61, Appendix G.)

Mr. Samuel G. Hickman, of Grand Bank, Newfoundland. (No. 62, Appendix G.)

Mr. Henry Benning, of Lamalin, Newfoundland. (No. 63, Appendix G.)

Mr. James Reeves, of Saint Lawrence, Newfoundland. (No. 64, Appendix G.)

Mr. Hugh Vavasor, of Saint Lawrence, Newfoundland. (No. 65, Appendix G.)

Mr. Thomas Winter, of Burin, Newfoundland. (No. 66, Appendix G.)

Mr. Philip Pine, of Burin Bay, Newfoundland. (No. 67, Appendix G.)

Mr. William Collins, of Burin, Newfoundland. (No. 68, Appendix G.)

Mr. Owen Pine, of Burin Bay, Newfoundland. (No. 69, Appendix G.)

Mr. Richard Paul, of Burin Bay, Newfoundland. (No. 70, Appendix G.)

Mr. Francis Berteaux, of Burin, Newfoundland. (No. 71, Appendix G.)

Mr. Richard McGrath, of Oderin, Newfoundland. (No. 72, Appendix G.)

Mr. Henry Pennell, of Trepany, Newfoundland. (No. 73, Appendix G.)  
 Mr. Patrick Leary, of Renews, Newfoundland. (No. 74, Appendix G.)  
 Mr. Garrett Jackman, of Renews, Newfoundland. (No. 75, Appendix G.)

Mr. John White, of Ferryland, Newfoundland. (No. 76, Appendix G.)  
 Mr. Robert Morry, of Caplin Bay, Newfoundland. (No. 77, Appendix G.)

Mr. Peter Winser, of Aquaforte, Newfoundland. (No. 78, Appendix G.)

Mr. Richard Cashen, of Cape Broyle, Newfoundland. (No. 79, Appendix G.)

The Commission adjourned at 4 p. m. until the following day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XX.

*Record of the proceedings of the Fisheries Commission at the twentieth conference, held at Halifax, Nova Scotia, on the 21st day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Weatherbe read affidavits made relative to the present inquiry by the following persons:

Mr. Thomas C. Roberts, of Cape Canso, Nova Scotia. (No. 80, Appendix G.)

Mr. James S. Richard, of Getson's Cove, Nova Scotia. (No. 81, Appendix G.)

Mr. Jacob Groser, of Lower La Have, Nova Scotia. (No. 82, Appendix G.)

Mr. Nathaniel Gost, of Lunenburg Town, Nova Scotia. (No. 83, Appendix G.)

Mr. Charles Smith, of Lunenburg Town, Nova Scotia. (No. 84, Appendix G.)

Mr. Benjamin Wentzler, of Lower Harbor, Nova Scotia. (No. 85, Appendix G.)

Mr. George Conrad, of South Village, Nova Scotia. (No. 86, Appendix G.)

Mr. Geoffrey Cook, of Rose Bay, Nova Scotia. (No. 87, Appendix G.)

Mr. Daniel Getson, of Getson's Cove, Nova Scotia. (No. 88, Appendix G.)

Mr. D. Riser, of Rose Bay, Nova Scotia. (No. 89, Appendix G.)

Mr. James W. Spearwater, of New Dublin, Nova Scotia. (No. 90, Appendix G.)

Mr. William A. Zwicker, of Lunenburg Town, Nova Scotia. (No. 91, Appendix G.)

Mr. Isaac Lohnes, of Middle La Have, Nova Scotia. (No. 92, Appendix G.)

Mr. James McLean, of Letite, county of Charlotte, in New Brunswick, merchant, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. James Lord, of Deer Island, Charlotte County, New Brunswick, a fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XXI.

*Record of the proceedings of the Fisheries Commission at the twenty-first conference, held at Halifax, Nova Scotia, on the 22d day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Walter B. McLaughlin, of Grand Manan, in the Bay of Fundy, light-keeper, fishery overseer, and county counsellor for Charlotte County, was called and gave evidence on oath, on matters connected with the enquiry. (No. 31, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Whiteway then read affidavits made relative to the present enquiry, by the following persons:

Mr. Lawrence Fortune, of Toad's Cove, Newfoundland. (No. 93, Appendix G.)

Mr. Thomas Carew, of Shore's Cove, Cape Broyle, Newfoundland. (No. 94, Appendix G.)

Mr. Charles J. Barnes, of St. John's, Newfoundland. (No. 95, Appendix G.)

Mr. Philip Grouchy, of Pouch Cove, Newfoundland. (No. 96, Appendix G.)

Mr. William Tulk, of Portugal Cove, Newfoundland. (No. 97, Appendix G.)

Mr. James Picot, of Portugal Cove, Newfoundland. (No. 98, Appendix G.)

Mr. Daniel Tucker, of Broad Cove, Newfoundland. (No. 99, Appendix G.)

Mr. Philip Lewis, of Holyrood, Newfoundland. (No. 100, Appendix G.)

Mr. Edward O'Brien, of Cat's Cove, Newfoundland. (No. 101, Appendix G.)

Mr. Edward Wade, of Cat's Cove, Newfoundland. (No. 102, Appendix G.)

Mr. George Butler, of Northern Gut, Newfoundland. (No. 103, Appendix G.)

Mr. Stephen Parsons, of Bay Roberts, Newfoundland. (No. 104, Appendix G.)

Mr. John Barrett, of Spaniard's Bay, Newfoundland. (No. 105, Appendix G.)

Mr. Alfred Hopkins, of Heart's Content, Newfoundland. (No. 106, Appendix G.)

Mr. Thomas Newhook, of New Harbor, Newfoundland. (No. 107, Appendix G.)

Mr. Edward Morse, of Dildo, Newfoundland. (No. 108, Appendix G.)

Mr. Alexander McKay, of North Sydney, Nova Scotia. (No. 109, Appendix G.)

Mr. James McLeod, of Gabarus, Nova Scotia. (No. 110, Appendix G.)

Mr. William Nearing, of Main-a-Dieu, Nova Scotia. (No. 111, Appendix G.)

Mr. Thomas Lahey, of Main-a-Dieu, Nova Scotia. (No. 112, Appendix G.)

Mr. Daniel Goodwin, of Cape Canso, Nova Scotia. (No. 113, Appendix G.)

The Commission adjourned at 4 p. m. till next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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## PROTOCOL XXII.

*Record of the proceedings of the Fisheries Commission at the twenty-second conference, held at Halifax, Nova Scotia, on the 23d day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Thomas Savage, of Cape Cove, Gaspé, merchant and ship-owner, a member of the local legislature for the Gulf Division, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. James Baker, of Cape Cove, Gaspé, a trader and fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James Jessop, of Newport, Gaspé, a builder and farmer, and formerly a fisherman, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. William Flynn, of Percé, county of Gaspé, customs officer and secretary and treasurer of the county, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Josef Couteur, of Cape Despair, Gaspé, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix F.)

The witness was examined in French by Mr. Doutre, who translated the replies.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XXIII.

*Record of the proceedings of the Fisheries Commission at the twenty-third conference, held at Halifax, Nova Scotia, on the 24th day of August, 1877.*

The Commision met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. T. J. LaMontaigne, of St. Anne des Monts, in the county of Gaspé, a merchant, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Trescot.

Mr. John Short, of the village of Gaspé, representative of the county in the Dominion Parliament, and formerly sheriff of the county, engaged in the fishing business, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Josef O. Sirois, of Grande Rivieré, in the county of Gaspé, a merchant, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix F.)

The witness was examined in French by Mr. Doutre, who translated the replies.

Mr. A. Lebrun, of Percé, in the county of Gaspé, a fish merchant, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 40, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Louis Roy, of Cape Chatte, in the county of Gaspé, a fish merchant, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix F.)

The witness was examined by Mr. Doutre. No cross-examination was desired.

Mr. S. R. Thomson then read affidavits made relative to the present inquiry by the following persons:

Mr. William Kelly, of Lingan, Cape Breton. (No. 114, Appendix G.)

Mr. Isaac Archibald, of Cow Bay, Cape Breton. (No. 115, Appendix G.)

Mr. Joseph Dobson, of South Sidney, Cape Breton. (No. 116, Appendix G.)

Mr. John Peach, of Cow Bay, Cape Breton. (No. 117, Appendix G.)

Mr. James Fraser, of South Bar, Cape Breton. (No. 118, Appendix G.)

Mr. John Ferguson, of Cow Bay, Cape Breton. (No. 119, Appendix G.)

Mr. John Murphy, of Lingan, Cape Breton. (No. 120, Appendix G.)

Mr. Angus Matheson, of South Sydney, Cape Breton. (No. 121, Appendix G.)

Mr. William H. Sweet, of Fall River, Mass., U. S. A. (No. 122, Appendix G.)

Mr. James Archibald, of Boston, Mass., U. S. A. (No. 123, Appendix G.)

Mr. Richard Thomas, of Booth Bay, Maine, U. S. A. (No. 124, Appendix G.)

Mr. John R. Hamilton, of New Carlisle, Province of Quebec. (No. 125, Appendix G.)

Mr. Baptiste Coutoure, of Grande River, county of Gaspé. (No. 126, Appendix G.)

Mr. Edward G. Hall, of New Carlisle, Province of Quebec. (No. 127, Appendix G.)

Mr. William E. Gardiner, of Louisburg, Cape Breton. (No. 128, Appendix G.)

The Commission adjourned at 4 p. m. until Monday, the 27th day of August, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

#### PROTOCOL XXIV.

*Record of the proceedings of the Fisheries Commission at the twenty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of August, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John F. Taylor, of Isaac's Harbor, county of Guysborough, Nova Scotia, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 42, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Foster then requested permission to examine as witnesses on behalf of the United States two or three captains of United States fishing-vessels at present in Halifax Harbor. This he desired to do during the course of the day's proceedings, in case the witnesses might be obliged to leave the port.

This permission was granted.

Mr. James Eisenhauer, of Lunenburg Town, a fish merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. James Bradley, of Newburyport, Mass., U. S. A., a fisherman, was called on behalf of the United States, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Edward Stapleton, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 2, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Mr. Whiteway, by joint consent, with regard to Newfoundland.

Mr. George Romeril, of Percè, agent of Messrs. Charles Robins & Co., was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

The Commission adjourned at 5.30 p. m. till the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

#### PROTOCOL XXV.

*Record of the proceedings of the Fisheries Commission at the twenty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. William Macdonnell, of Argyle, Yarmouth County, Nova Scotia, a trader, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John Holliday, of the city of Quebec, a partner in the firm of A. Fraser & Co., fish-merchants, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Davies then read affidavits made relative to the present inquiry by the following persons:

Mr. Philip L. Montais, of Arichat. (No. 129, Appendix G.)

Mr. Christopher Smyth, of Port Hood. (No. 130, Appendix G.)

Mr. John Ingham Brand, of Pubnico. (No. 131, Appendix G.)

Mr. Edward Hirtle, of Lunenburg Town. (No. 132, Appendix G.)

Mr. Rufus Riser, of Rose Bay, county of Lunenburg. (No. 133, Appendix G.)

Mr. John Morien, of Port Medway. (No. 134, Appendix G.)

Mr. John Smeltzer, of Lunenburg Town. (No. 135, Appendix G.)

Mr. Elias Richards, of Getsou's Cove, county of Lunenburg. (No. 136, Appendix G.)

Mr. James Getson, of Getsou's Cove, county of Lunenburg. (No. 137, Appendix G.)

Mr. James Publicover, of New Dublin, county of Lunenburg. (No. 138, Appendix G.)

Mr. Donald McDonald, of Main-a-Dieu, Cape Breton. (No. 139, Appendix G.)

Mr. John Bagnall, of Gabarus, Cape Breton. (No. 140, Appendix G.)

Mr. Peter Bosdet, of West Arichat, Nova Scotia. (No. 141, Appendix G.)

Mr. James Marmean, of Arichat, Nova Scotia. (No. 142, Appendix G.)

Mr. David Grouchy, of Descoasse, Nova Scotia. (No. 143, Appendix G.)

Mr. Isidore Leblanc, of Arichat, Nova Scotia. (No. 144, Appendix G.)

Mr. Bryan Murphy, of Port Hood. (No. 145, Appendix G.)

Mr. Simon Ferris, of West Arichat, Nova Scotia. (No. 146, Appendix G.)

Mr. William Creighton, of West Arichat, Nova Scotia. (No. 147, Appendix G.)

Mr. Isaac Levesconte, of Arichat, Nova Scotia. (No. 148, Appendix G.)

Mr. William Wentzell, of Moose Harbor. (No. 149, Appendix G.)

Mr. Pardon Gardner, of Port Mouton. (No. 150, Appendix G.)

Mr. George McLeod, of Brooklyn, Queens County. (No. 151, Appendix G.)

Mr. John Lloyd, of Port Mouton. (No. 152, Appendix G.)

Mr. J. McDonald, of Port Jollie, Queens County. (No. 153, Appendix G.)

Mr. William Frebel, of Arichat. (No. 154, Appendix G.)

Mr. Philip Diggdon, of Port Medway. (No. 155, Appendix G.)

Mr. Michael McDonald, of Whitehaven, county of Guysboro. (No. 156, Appendix G.)

Mr. George Murphy, of Port Hood. (No. 157, Appendix G.)

**Mr. James Phelan, of Arichat, Nova Scotia.** (No. 158, Appendix G.)  
**Mr. Trescot then stated that he desired to make a motion for the consideration of the Commissioners, which he read in the following terms :**

**Mr. PRESIDENT AND GENTLEMEN OF THE COMMISSION :** As the time is now approaching when the evidence in support of the British case will be closed, and we will be required to open the testimony in behalf of the United States, we would ask leave to make a slight change in the order of our proceeding, as it has been at present arranged.

According to the present arrangement it will be our duty to open our case in advance of the testimony, by laying before you the general scheme of our argument, and indicating the points upon which evidence will be submitted in its support.

The character of the testimony which has been now submitted in support of the British case, and the tenor of that which we will offer (as may be inferred from the evidence of the two witnesses whom we were allowed to examine out of order), have impressed us with the conviction that a practical discussion of the real issues will be more certainly secured, and the time and patience of the Commission will be more wisely economized, if we are allowed to submit such views as it may be our duty to maintain, at the close instead of in advance of the examination of witnesses.

As we understand the wish of both governments to be that the whole discussion shall be as frank and full as possible, it has occurred to us that you might be disposed to allow us to adopt such an arrangement as would in our judgment best enable us to lay before you a complete presentation of the opinions of the government we represent. And we feel more assured in that opinion as this privilege deprives counsel on the other side of no advantage which they now possess. For besides the right to reply to the printed argument, which they now have, we would of course expect that they would also be allowed the right of oral reply if they desired to exercise it.

An opening speech is not necessary, as the counsel for the other side have shown, but it would be obviously improper to submit this case without a careful review of the testimony which will have been offered on both sides. And this can be done with more convenience and thoroughness by an oral speech than by a written argument. To say all that it may be our duty to say in a printed argument would be impossible without swelling it into a volume of unreadable proportions.

It is our purpose to make the printed argument a complete but concise summary of the contention, a clear statement of the principles involved, and the authorities referred to, accompanied by an analysis of the leading facts of the testimony. This we can do, so as to make it an efficient help to you in your own examination of the case, if we are not compelled to overload it with all the discussion which the evidence and the case itself suggest, but which we would sufficiently dispose of in oral argument.

We would therefore request permission so to distribute the argument on our side as to have the opportunity of submitting our views orally, upon full comparison of all the testimony taken. It is no small inducement to make this request that we believe that upon the close of the testimony we will be able to dispense with much argument which we can scarcely avoid in the present imperfect condition of the testimony.

Respectfully,

RICH. H. DANA, JR.,  
WM. HENRY TRESBOT,  
*Counsel for United States.*

**Mr. Foster supported the application.**

**Mr. Doutre** stated that the matter should receive consideration, and requested permission to defer giving a definite answer until the next meeting.

The Commission then adjourned till the following day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL XXVI.

*Record of the proceedings of the Fisheries Commission at the twenty-sixth conference, held at Halifax, Nova Scotia, on the 29th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James A. Tory, of Guysborough, Nova Scotia, customs officer, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. S. R. Thomson then rose to reply to the motion made at the last conference by Mr. Trescot. He stated that the British Agent was willing to consent to the following arrangement with regard to the point in question, namely, that if the United States counsel desired to make oral arguments in closing, these must be submitted simultaneously with the written arguments on the United States side required by the rules adopted for the procedure of the Commission; after which it should be competent for the British side to reply both orally and in writing, if both methods of reply were desired by them.

Mr. Trescot, in reply, said that the proposal of Mr. Thomson did not meet the approval of the counsel of the United States, inasmuch as the object of their motion was to have the oral reply of the British counsel to their oral arguments, then to file the United States printed argument, leaving to the British counsel their right of final printed reply to the printed argument of the United States. What they desired was a full statement of the case as regarded by the British counsel, and Mr. Thomson's proposal did not accomplish that; which they deemed a fair request.

Mr. S. R. Thomson replied, and Mr. Dana, Mr. Foster, and Mr. Doutre subsequently addressed the Commissioners. (See Appendix J.)

At the conclusion of the debate, Mr. Trescot handed in the following amendment which he proposed should be made in Rule III:

"Ordered by the Commissioners, That the third paragraph of the third rule shall be amended by inserting after the words 'the evidence in reply shall be commenced' the following: 'when the whole evidence is concluded, either side may, if desirous of doing so, address the Commissioners orally, the British government having the right of reply.'"

The President then announced that the Commissioners would take the matter into consideration and give an early decision upon it.

Mr. Robert MacDougall, of Port Hood, high sheriff of the county of Inverness, in Cape Breton, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix F.)

The witness was examined by M. Weatherbe and cross-examined by Mr. Foster.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons:

Mr. J. E. Robinson, of Griffin's Cove, Province of Quebec. (No. 159, Appendix G.)

Mr. Daniel West, of Grand Greve, Province of Quebec. (No. 160, Appendix G.)

**Mr. Michael McInnes, of Port Daniel, Province of Quebec. (No. 161,  
Appendix O.)**

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

### PROTOCOL XXVII.

*Record of the proceedings of the Fisheries Commission at the twenty-seventh conference, held at Halifax, Nova Scotia, on the 30th day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Dr. Pierre Fortin, M. D., of the city of Quebec, a member of the legislative assembly of the Province of Quebec, and formerly commander of a Canadian cruiser employed in the protection of the fisheries, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix F.)

The witness was examined by Mr. Doutre and cross-examined by Mr. Dana.

Mr. James Hickson, of Bathurst, fishery overseer for the county of Gloucester, New Brunswick, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Enos Gardner, of Tusket, in the county of Yarmouth, Nova Scotia, fishery overseer, and clerk of the peace for the county, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. Whiteway then read affidavits made by the following persons relative to the present inquiry:

Mr. J. J. Rogerson, of St. John's, Newfoundland. (No. 162, Appendix G.)

Mr. Isaac Mercer, of Bay Roberts, Newfoundland. (No. 163, Appendix G.)

Mr. Samuel Fiander, of Coomb's Cove, Newfoundland. (No. 164, Appendix G.)

Mr. George Bishop, of Burin, Newfoundland. (No. 165, Appendix G.)

Mr. G. A. Hickman, of Grand Bank, Newfoundland. (No. 166, Appendix G.)

Mr. John Lake, sr., of Fortune, Newfoundland. (No. 167, Appendix G.)

Mr. George Simms, of Grand Bank, Newfoundland. (No. 168, Appendix G.)

**Mr. Henry T. Holman, Harbour Breton, Newfoundland. (No. 169,  
Appendix G.)**

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

### PROTOCOL XXVIII.

*Record of the proceedings of the Fisheries Commission at the twenty-eighth conference, held at Halifax, Nova Scotia, on the 31st day of August, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present:

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre read affidavits made relative to the present inquiry by the following persons:

Mr. John LeGresley, of Point St. Peter. (No. 170, Appendix G.)

Mr. John B. Fauvel, of Point St. Peter. (No. 171, Appendix G.)

Mr. John LeGros, of Point St. Peter. (No. 172, Appendix G.)

Mr. Adolphus E. Collas, of Point St. Peter. (No. 173, Appendix G.)

Mr. Daniel Orange, of Paspebiac, Province of Quebec. (No. 174, Appendix G.)

Mr. Joshua Mourant, of Paspebiac, Province of Quebec. (No. 175, Appendix G.)

Mr. Frank Leblanc, of Port Daniel, Province of Quebec. (No. 176, Appendix G.)

Mr. Thomas C. Remon, of Little Pabos, Province of Quebec. (No. 177, Appendix G.)

Mr. William O'Connor, of Little Pabos, Province of Quebec. (No. 178, Appendix G.)

Mr. John W. Luce, of Grande Greve, Province of Quebec. (No. 179, Appendix G.)

Mr. Henry Price, of Grande Greve, Province of Quebec. (No. 180, Appendix G.)

Mr. William Hymon, mayor of the township of Cape de Rosier, Grande Greve. (No. 181, Appendix G.)

Mr. Abraham Gavey, of Grande Greve, Province of Quebec. (No. 182, Appendix G.)

Mr. Peter Ferguson, of L'Anse au Beaufils, Province of Quebec. (No. 183, Appendix G.)

Mr. Christopher Baker, of Cape Cove. (No. 184, Appendix G.)

Mr. David Phillips, of Peninsula, Province of Quebec. (No. 185, Appendix G.)

Mr. Richard Miller, of Peninsula, Province of Quebec. (No. 186, Appendix G.)

Mr. James Rooney, of Perce, Province of Quebec. (No. 187, Appendix G.)

Mr. Francis Le Brun, of Jersey, at present residing at Perce. (No. 188, Appendix G.)

**Mr. William Johnstone**, of House Harbor, Magdalen Islands. (No. 189, Appendix G.)

**Mr. Charles Fournier**, of Magdalen River, Province of Quebec. (No. 190, Appendix G.)

**Mr. Alexis Noil**, of Fox River, Province of Quebec. (No. 191, Appendix G.)

**Mr. John Packwood**, of Cape Rosier, Province of Quebec. (No. 192, Appendix G.)

**Mr. Mesiah Tapp**, of Fox River, Province of Quebec. (No. 193, Appendix G.)

**Mr. James Samuel**, of Fox River, Province of Quebec. (No. 194, Appendix G.)

**Mr. Edward Trachey**, of Perce, Province of Quebec. (No. 195, Appendix G.)

**Mr. Edward Burn**, of Fox River, Province of Quebec. (No. 196, Appendix G.)

**Mr. Joseph D. Payson**, of Westport, Digby County. (No. 197, Appendix G.)

**Mr. Thomas C. Cook**, of Cape Canse, Nova Scotia. (No. 198, Appendix G.)

**Mr. W. Wise**, of Chatham, New Brunswick. (No. 199, Appendix G.)

**Mr. S. F. Cheney**, of Nantucket Island, Grand Manan, a fisherman, was called on behalf of the United States, and gave evidence on oath on matters connected with the inquiry. (No. 3, Appendix L.)

The witness was examined by Mr. Foster, and cross-examined by Mr. S. R. Thomson.

Mr. Davies then read affidavits made relative to the present inquiry, by the following persons:

**Mr. James Flynn**, of Perce. (No. 200, Appendix G.)

**Mr. Edmund Flynn**, of Perce. (No. 201, Appendix G.)

**Mr. John Vardon**, of Malbay. (No. 202, Appendix G.)

**Mr. G. Dumaresq**, of Fox River. (No. 203, Appendix G.)

**Mr. Alexander Campion**, of Magdalen River. (No. 204, Appendix G.)

**Mr. Alexis Malonin**, of Griffin's Cove. (No. 205, Appendix G.)

**Mr. Charles Gaul**, of Douglas Town. (No. 206, Appendix G.)

**Mr. Robert Tapp**, of Fox River. (No. 207, Appendix G.)

**Mr. Luke McCauley**, of Douglas Town. (No. 208, Appendix G.)

**Mr. Thomas McRay**, of Gaspe. (No. 209, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL XXIX.

*Record of the proceedings of the Fisheries Commission at the twenty-ninth conference, held at Halifax, Nova Scotia, on the 1st day of September, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The President then read the following decision :

"The Commissioners having considered the motion submitted by Messrs. Dana and Trescot, decided that—

"Having due regard to the right of Her Majesty's Government to the general and final reply, the Commissioners cannot modify the rules in such a manner as might impair or diminish such right. Each party will, however, within the period fixed by the rules, be allowed to offer its concluding argument, either orally or in writing; and if orally, it may be accompanied by a written resumé or summary thereof, for the convenience of the Commissioners, such resumé or summary being furnished within the said period.

"Mr. Kellogg dissenting."

Mr. Foster then read the following notice of motion :

"The Counsel and Agent of the United States move the honorable Commissioners to rule and declare that—

"It is not competent for this Commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting from the practice of purchasing bait, ice, supplies, &c., and from being allowed to tranship cargoes in British waters, do not constitute good foundation for an award of compensation, and shall be wholly excluded from the consideration of this tribunal."

The Commission adjourned until Monday, the 3d of September, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

### PROTCCCL XXX.

*Record of the proceedings of the Fisheries Commission at the thirtieth conference, held at Halifax, Nova Scotia, on the 3d day of September, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Ford then presented to the Commissioners, and to the Agent of the United States, copies of the "Brief on behalf of Her Majesty's Government" in reply to the "Brief for the United States upon the question of the extent and limits of the inshore fisheries and territorial waters on the Atlantic Coast of British North America." (Appendix K.)

Mr. Doutre next read affidavits made relative to the present inquiry by the following persons :

Mr. Francis Noil, of Fox River. (No. 210, Appendix G.)

Mr. James Jessop, of Newport. (No. 211, Appendix G.)

Mr. S. B. Hammond, of Lockeport. (No. 212, Appendix G.)

Mr. William Lloyd, of Lockeport. (No. 213, Appendix G.)

- Mr. James Alexander, of Point St. Peters. (No. 214, Appendix G.)  
Mr. George Prevel, of St. George of Malbay. (No. 215, Appendix G.)  
Mr. Daniel Devot, of the Basin, Amherst Island, Magdalen Islands. (No. 216, Appendix G.)  
Mr. Joseph Sinette, of Griffiu's Cove. (No. 217, Appendix G.)  
Mr. John Phelan, of Port Daniel. (No. 218, Appendix G.)  
Mr. Sixte Lafrance, of Amherst Harbor, Magdalen Islands. (No. 219, Appendix G.)  
Mr. Gabriel Cormier, of Amherst Harbor, Magdalen Islands. (No. 220, Appendix G.)  
Mr. A. Conway, of Gaspé. (No. 221, Appendix G.)  
Mr. Philias Sirois, of L'Islet, Province of Quebec. (No. 222, Appendix G.)  
Mr. John Renouf, of Carlisle, Province of Quebec. (No. 223, Appendix G.)  
Mr. William F. Bower, of Point St. Peter. (No. 224, Appendix G.)  
Mr. Hippolyte Bondman, of Esquimaux Point. (No. 225, Appendix G.)  
Mr. Francois Cormier, of Esquimaux Point. (No. 226, Appendix G.)  
Mr. Placide Doyle, of Esquimaux Point. (No. 227, Appendix G.)  
Mr. Gabriel Cormier, of Esquimaux Point. (No. 228, Appendix G.)  
Mr. Nathaniel Bondman, of Esquimaux Point. (No. 229, Appendix G.)  
Mr. Julias Boudreau, of Esquimaux Point. (No. 230, Appendix G.)  
Mr. Philip Touzel, of Sheldrake, Province of Quebec. (No. 231, Appendix G.)  
Mr. Samuel Bouchard, of Amherst Harbour, Magdalen Islands. (No. 232, Appendix G.)  
Mr. Gabriel Seaboyer, of Lower LaHave, Nova Scotia. (No. 233, Appendix G.)  
Mr. Patrick Mullins, of South Bar, Sydney, Nova Scotia. (No. 234, Appendix G.)  
Mr. Michael Rooney, of Douglas Town, Province of Quebec. (No. 235, Appendix G.)  
Mr. Peter Briord, of Douglas Town, Province of Quebec. (No. 236, Appendix G.)  
Mr. Andrew Kennedy, of Douglas Town, Province of Quebec. (No. 237, Appendix G.)  
Mr. Pierre Brochu, of Seven Islands, Province of Quebec. (No. 238, Appendix G.)  
Mr. Isaac Chouinard, of Cape Chat, Province of Quebec. (No. 239, Appendix G.)  
Mr. Austin Locke, of Lockeport. (No. 240, Appendix G.)  
Mr. Daniel McAdams, of Lockeport. (No. 241, Appendix G.)  
Mr. Messie Fournier, of Grand Vallee, Province of Quebec. (No. 242, Appendix G.)  
Mr. William Haddon, of Grande Isle, Magdalen Islands. (No. 243, Appendix G.)  
Mr. John Carter, of Port Mouton. (No. 244, Appendix G.)  
Mr. William McLeod, of Port Daniel. (No. 245, Appendix G.)  
Mr. Allen Matthews, of East Ragged Islands. (No. 246, Appendix G.)  
Mr. Daniel Murray, jr., of Port Mulgrave. (No. 247, Appendix G.)  
Mr. Thomas Condon, of Guysborough. (No. 248, Appendix G.)  
Mr. Alexander McKenzie, of Crow Harbor, county of Guysborough. (No. 249, Appendix G.)

Mr. Michael Robertson, of Port Jollie, Queen's County. (No. 250, Appendix G.)

Mr. Geoffrey H. Publicover, of Getton's Cove, Lunenburg. (No. 251, Appendix G.)

Mr. James S. Seaboyer, of Rose Bay, Lunenburg. (No. 252, Appendix G.)

Mr. Thomas Ritcey, sr., of Lower LaHave. (No. 253, Appendix G.)

Mr. William D. Smith, of Port Hood. (No. 254, Appendix G.)

Mr. Archibald B. Skinner, of Port Hastings. (No. 255, Appendix G.)

Mr. William B. Munroe, of Whitehaven. (No. 256, Appendix G.)

Mr. Matthew Munroe, of Whitehaven. (No. 257, Appendix G.)

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL XXXI.

*Record of the proceedings of the Fisheries Commission at the thirty-first conference, held at Halifax, Nova Scotia, on the 4th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which was approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre then read affidavits made relative to the present inquiry by the following persons:

Mr. Isaac W. Rennels, of Port Hood. (No. 258, Appendix G.)

Mr. John McAdams, of Port Jollie. (No. 259, Appendix G.)

Mr. Donald Campbell, of Port Mouton. (No. 260, Appendix G.)

Mr. John D. Richard, of LaHave Island, and now of Getson's Cove. (No. 261, Appendix G.)

Mr. Colin McLeod, of Brooklyn, Queen's County. (No. 262, Appendix G.)

Mr. James Buscher, of Port Mouton. (No. 263, Appendix G.)

Mr. William Ross, collector of customs at Halifax, Nova Scotia, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Charles Creed, of Halifax, a general broker, and secretary to the Halifax Chamber of Commerce, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. John Dillon, of Steep Creek, Strait of Canso, a fish merchant and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix F.)

The witness was examined by Mr. Weatherbe. No cross-examination was desired.

Mr. Doutre then read affidavits made relative to the present inquiry by the following persons:

Mr. John P. Gardiner, of Cape Sable Island. (No. 264, Appendix G.)

Mr. Alexander Gillies, of Port Hood. (No. 265, Appendix G.)

Mr. Henry Hemlow, sr., of Liscomb, Nova Scotia. (No. 266, Appendix G.)

Mr. William Watts, of Port Hood. (No. 267, Appendix G.)

Mr. Joshua Smith, of Port Hood Island. (No. 268, Appendix G.)

Mr. Livingston Coggins, of Westport, Digby County. (No. 269, Appendix G.)

Mr. Martin Wentzell, of Lower LaHave. (No. 270, Appendix G.)

Mr. William B. Christian, of Prospect, Nova Scotia. (No. 271, Appendix G.)

Mr. Alexander McDonald, of Port Hood Island. (No. 273, Appendix G.)

Mr. Angus Gillies, of Port Hood. (No. 273, Appendix G.)

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

### PROTOCOL XXXII.

*Record of the proceedings of the Fisheries Commission at the thirty second conference, held at Halifax, Nova Scotia, on the 5th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster read the notice of motion which had been filed by him at the conference of the 1st of September (see Protocol No. XXIX), and supported the application made therein on behalf of the United States.

Mr. S. E. Thomson, Mr. Doutre, Mr. Weatherbe, and Mr. Whiteway answered on behalf of Her Majesty's Government. Mr. Trescot and Mr. Dana replied. (No. 3, Appendix J.)

The Commission then adjourned till 4 p. m. the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XXXIII.

*Record of the proceedings of the Fisheries Commission at the thirty-third conference, held at Halifax, Nova Scotia, on the 6th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference; which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster read certain documents relative to the liability to confiscation of United States vessels for obtaining supplies, transshipping cargoes, &c. (No. 3, Appendix J.)

The matter was discussed by Mr. Foster, Mr. S. R. Thomson, and Mr. Weatherbe.

Mr. Dana then resumed his speech, left unfinished at the close of the proceedings of the previous day.

The Commission then retired to deliberate, and on their return the President read the following decision:

"The Commission having considered the motion submitted by the Agent of the United States at the conference held on the 1st instant, decide—

"That it is not within the competence of this tribunal to award compensation for commercial intercourse between the two countries, nor for the purchasing of bait, ice, supplies, &c., nor for the permission to tranship cargoes in British waters."

Sir Alexander Galt stated the reasons which had induced him to acquiesce in this decision, which was unanimous." (See No. 3, Appendix J.)

Mr. Marshal Paquet, of Souris, Prince Edward Island, a farmer and fisherman, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Barnaby McIsaac, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Joseph Tierney, of Souris, Prince Edward Island, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 57, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. James McPhee, East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 58, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Whiteway read an affidavit made relative to the present inquiry by Mr. J. O. Fraser. (No. 274, Appendix G.)

Mr. Whiteway also handed in a certified copy of a dispatch from the Earl of Kimberley to Governor Hill, dated the 7th July, 1871, relative

to the admission of United States fishermen to the Newfoundland waters.  
(Appendix N.)

Mr. John Macdonald, of East Point, Prince Edward Island, a farmer and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 59, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

The Commission adjourned at 5 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XXXIV.

*Record of the proceedings of the Fisheries Commission at the thirty-fourth conference, held at Halifax, Nova Scotia, on the 7th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference; which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Thomas R. Pattillo, of Liverpool, Nova Scotia, a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 60, Appendix F.)

The witness was examined by Mr. Thomson and cross-examined by Mr. Foster.

Mr. John R. Macdonald, of East Point, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 61, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John D. Macdonald, of Souris, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 62, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Peter S. Richardson, of Chester, Lunenburg County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 63, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Charles E. Nass, of Chester, Lunenburg County, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 64, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Robert Young, of Caraquette, New Brunswick, a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 65, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Ronald Macdonald, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 66, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Foster.

Mr. Holland C. Payson, of Westport, Digby County, fishery overseer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 67, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Clement McIsaac, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 68, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Laughlin Macdonald, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 69, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. Joseph Beaton, of East Point, Prince Edward Island, a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 70, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. James McInnis, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 71, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Alexander Macdonald, of Souris, Prince Edward Island, captain of a coasting-schooner, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 72, Appendix F.)

The witness was examined by Mr. Davies. No cross-examination was desired.

Mr. John McLellan, of Souris, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 73, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. Benjamin Champion, of Alberton, Prince Edward Island, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 74, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

The Commission adjourned till Monday, the 17th September at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XXXV.

*Record of the proceedings of the Fisheries Commission at the thirty-fifth conference, held at Halifax, Nova Scotia, on the 17th day of September, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John C. Cunningham, of Cape Sable Island, Nova Scotia, a master mariner, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 75, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Benjamin H. Ruggles, of Westport, Digby County, Nova Scotia, customs officer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 76, Appendix F.)

The witness was examined by Mr. Weatherbe and cross-examined by Mr. Dana.

Mr. Josiah Hopkins, of Barrington, Nova Scotia, fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 77, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

Mr. Weatherbe then read affidavits made relative to the present inquiry by the following persons:

Mr. John Bethell, of West Bancrow, Nova Scotia. (No. 275, Appendix G.)

Mr. Edward D. Tremain, of Port Hood. (No. 276, Appendix G.)  
Mr. Robert Currie, of Louis Harbor, Nova Scotia. (No. 277, Appendix G.)

Mr. Parker Matthews, of Black Point, Nova Scotia. (No. 278, Appendix G.)

Mr. Robert Deagle, of Souris, Prince Edward Island. (No. 279, Appendix G.)

Mr. James Carey, of Port Mulgrave, Nova Scotia. (No. 280, Appendix G.)

Mr. Thomas Pinkham, of Booth Bay, State of Maine. (No. 281, Appendix G.)

Mr. Reuben Harlow, of Shelburne, Nova Scotia. (No. 282, Appendix G.)

Mr. Judah C. Smith, of Barrington, Nova Scotia. (No. 283, Appendix G.)

Mr. Amos H. Outhouse, of Tiverton, Nova Scotia. (No. 284, Appendix G.)

Mr. John Merchant, of Hardwicke, Northumberland County. (No. 285, Appendix G.)

Mr. Wallace Trask, of Little River, Nova Scotia. (No. 286, Appendix G.)

Mr. George E. Mosley, of Tiverton, Nova Scotia. (No. 287, Appendix G.)

**Mr. Charles H. Payson, of Westport, Nova Scotia. (No. 288, Appendix G.)**

**Mr. Eleazer Crowell, of Clarke's Harbor, Nova Scotia. (No. 289, Appendix G.)**

**Mr. Daniel V. Keuny, of Cape Sable Island, Nova Scotia. (No. 290, Appendix G.)**

**Mr. Gilbert Merritt, of Sandy Cove, Nova Scotia. (No. 291, Appendix G.)**

**Mr. Charles W. Denton, of Little River, Nova Scotia. (No. 292, Appendix G.)**

**Mr. Joseph E. Denton, of Little River, Nova Scotia. (No. 293, Appendix G.)**

**Mr. John McKay, of Tiverton, Nova Scotia. (No. 294, Appendix G.)**

**Mr. Whitefield Outhouse, of Tiverton, Nova Scotia. (No. 295, Appendix G.)**

**Mr. John W. Snow, of Digby, Nova Scotia. (No. 296, Appendix G.)**

**Mr. James Patterson, of Port Williams, Nova Scotia. (No. 297, Appendix G.)**

**Mr. Byron P. Ladd, of Yarmouth, Nova Scotia. (No. 298, Appendix G.)**

**Mr. Abram Thurston, of Sanford, Nova Scotia. (No. 299, Appendix G.)**

**Mr. Samuel M. Ryerson, of Yarmouth, Nova Scotia. (No. 300, Appendix G.)**

**Mr. Robert G. Eakins, jr., of Yarmouth, Nova Scotia. (No. 301, Appendix G.)**

The Commission then adjourned till next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL XXXVI.

*Record of the proceedings of the Fisheries Commission at the thirty-sixth conference, held at Halifax, Nova Scotia, on the 18th day of September, 1877.*

The Commission met at noon as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. William H. Harrington, of Halifax, Nova Scotia, a commission and fish agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 78, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. John Purney, of Sandy Point, Shelburne, Nova Scotia, a fish-merchant, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 79, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Dana.

Mr. Robert G. Noble, of Halifax, Nova Scotia, a commission and fish agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 80, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. James Barry, of the customs department at Ottawa, was called, and gave evidence on oath on matters connected with the inquiry. (No. 81, Appendix F.)

The witness was examined by Mr. Davies.

Mr. Davies then read affidavits made relative to the present inquiry by the following persons:

Mr. Daniel Ross, of North Rustico, P. E. I. (No. 302, Appendix G.)

Mr. John A. McLeod, of Kensington, P. E. I. (No. 303, Appendix G.)

Mr. James McDonald, of Chepstow, P. E. I. (No. 304, Appendix G.)

Mr. Donald McCormack, of Black Bush, P. E. I. (No. 305, Appendix G.)

Mr. Angus B. McDonald, of Souris, P. E. I. (No. 306, Appendix G.)

Mr. Peter McDonald, of Souris, P. E. I. (No. 307, Appendix G.)

Mr. John McIntyre, of Fairfield, P. E. I. (No. 308, Appendix G.)

Mr. Michael McDonald, of French River, P. E. I. (No. 309, Appendix G.)

Mr. Thomas Welsh, of Souris, P. E. I. (No. 310, Appendix G.)

Mr. Dominick Doviant, of North Rustico, P. E. I. (No. 311, Appendix G.)

Mr. Robert Carson, of North Rustico, P. E. I. (No. 312, Appendix G.)

Mr. Charles McEachan, of Township No. 46. (No. 313, Appendix G.)

Mr. Daniel C. McLean, of Black Bush, P. E. I. (No. 314, Appendix G.)

Mr. Daniel McIntyre, of Black Bush, P. E. I. (No. 315, Appendix G.)

Mr. Thomas Milner, of Parker's Cove, Nova Scotia. (No. 316, Appendix G.)

Mr. James W. Cousins, of Digby Town, Nova Scotia. (No. 317, Appendix G.)

Mr. David Swain, of Port Clyde, Nova Scotia. (No. 318, Appendix G.)

Mr. Robert Henry Bolman, of Sand Point, Nova Scotia. (No. 319, Appendix G.)

This closed the case of Her Majesty's Government, with the exception of a few witnesses, expected at a later date, permission to examine whom, during the course of the United States evidence, was asked and obtained.

The Commission adjourned at 3.30 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XXXVII.

*Record of the proceedings of the Fisheries Commission at the thirty-seventh conference, held at Halifax, Nova Scotia, on the 19th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster, in commencing the case of the United States, stated that he did not propose to make any formal opening, but that before proceeding to examining witnesses, he would hand in certain statistical documents relating to the fisheries and the trade in fish between the United States and British North America.

These statistics were accompanied by an affidavit as to their correctness by the compiler, Mr. Hamilton Andrews Hill, of Boston. (Appendix O.)

Mr. David Ingersoll, of Gloucester, Mass., a fisherman, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 4, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by S. R. Thomson.

Mr. Nathaniel E. Attwood, of Provincetown, Mass., a manufacturer and dealer in cod-liver oil, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 5, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL XXXVIII.

*Record of the proceedings of the Fisheries Commission at the thirty-eighth conference, held at Halifax, Nova Scotia, on the 20th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Attwood was resumed by Mr. Foster. Mr. S. R. Thomson and Mr. Whiteway, by consent, cross-examined.

Mr. Barzillai Kemp, of Wellfleet, Mass., a master mariner and fisher-

man, was called, and gave evidence on oath on matters connected with the inquiry. (No. 6, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XXXIX.

*Record of the proceedings of the Fisheries Commission at the thirty-ninth conference, held at Halifax, Nova Scotia, on the 1st day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Barzillai Kemp was resumed by Mr. Foster. The witness was cross-examined by Mr. Weatherbe.

Mr. Nathaniel Attwood was recalled, and handed in a statement of bank-fishing vessels belonging to Provincetown, Mass.

Mr. Francis M. Freeman, of Provincetown, Mass., a fish merchant and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 7, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson. Mr. Whiteway further cross-examined the witness by consent.

Mr. Henry Cook, of Provincetown, Mass., an owner of fishing-vessels and outfitter, formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 8, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Whiteway.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROCTOCOL XL.

*Record of the proceedings of the Fisheries Commission at the fortieth conference, held at Halifax, Nova Scotia, on the 22d day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Joshua Paine, of Provincetown, Mass., a merchant and president of an insurance company, was called, and gave evidence on oath on matters connected with the inquiry. (No. 9, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Nathan D. Freeman, of Provincetown, Mass., a merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 10, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Bangs A. Lewis, of Provincetown, Mass., a merchant and outfitter of vessels, was next called, and gave evidence on oath on matters connected with the inquiry. (No. 11, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until Monday, the 24th day of September, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XLI.

*Record of the proceedings of the Fisheries Commission at the forty-first conference, held at Halifax, Nova Scotia, on the 24th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James W. Graham, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 12, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Foster then handed in a statement showing the number and tonnage of vessels of the United States employed in the cod and mackerel fisheries, from 1866 to 1876 inclusive. (No. 2, Appendix O.)

Mr. Davies requested that similar returns might be produced showing the statistics for the years 1856 to 1866.

Mr. Daniel C. Newcomb, of Wellfleet, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 13, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Moses Pettingell, of Newburyport, Mass., inspector of customs, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 14, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaiah C. Young, of Wellfleet, Mass., an outfitter of vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 15, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Timothy A. Daniels, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 16, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. D. W. Oliver, of Wellfleet, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 17, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCOIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XLII.

*Record of the proceedings of the Fisheries Commission at the forty-second conference, held at Halifax, Nova Scotia, on the 25th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. George Friend, of Gloucester, Mass., a fisherman and sailmaker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 18, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe, and, by consent, by Mr. Whiteway.

Mr. Charles Henry Orne, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 19, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies, and, by consent, by Mr. Whiteway.

Mr. Benjamin Maddocks, of Gloucester, Mass., a fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 20, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre, and, by consent, by Mr. Whiteway.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XLIII.

*Record of the proceedings of the Fisheries Commission at the forty-third conference, held at Halifax, Nova Scotia, on the 26th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Maddocks was resumed by Mr. Whiteway.

Mr. Andrew Leighton, of Gloucester, Mass., a fisherman, and member of a fishing firm, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 21, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Dana then read affidavits made relative to the present inquiry by the following persons:

Mr. Christopher C. Poole, of Gloucester, Mass. (No. 234, Appendix M.)

Mr. Russell D. Terry, of Gloucester, Mass. (No. 235, Appendix M.)

Mr. William Herrick, of Swan's Island, Me. (No. 236, Appendix M.)

Mr. Thomas H. White, of Gloucester, Mass. (No. 237, Appendix M.)

Mr. Charles Lee, of Gloucester, Mass. (No. 238, Appendix M.)

[N. B.—Two hundred and thirty-three United States affidavits had been already printed in Boston, but not as yet submitted to the Commission.]

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XLIV.

*Record of the proceedings of the Fisheries Commission at the forty-fourth conference, held at Halifax, Nova Scotia, on the 27th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Aaron Riggs, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 22, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. John J. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 23, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John H. Gale, of Gloucester, Mass., packer and deputy inspector of mackerel for the city of Gloucester, was called, and gave evidence on oath on matters connected with the inquiry. (No. 24, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 4.10 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL XLV.

*Record of the proceedings of the Fisheries Commission at the forty-fifth conference, held at Halifax, Nova Scotia, on the 28th day of September, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. John S. Evitt, of Bay of Islands, Newfoundland, a master mariner and dealer in fish, was called, and gave evidence on oath on matters connected with the inquiry. (No. 25, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies, and by consent by Mr. Whiteway.

Mr. Davies requested permission to examine a witness on behalf of Her Majesty's Government. The request was granted; and

Mr. William B. Smith, of Cape Sable Island, Barrington, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 82, Appendix F.)

The witness was examined by Mr. Davies and cross-examined by Mr. Dana.

Mr. William B. Smith was recalled and cross-examined on certain points.

Mr. Benjamin F. Cook, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 26, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. Edwin Smith, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 27, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. till Monday, the 1st day of October, at noon.

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MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XLVI.

*Record of the proceedings of the Fisheries Commission at the forty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster handed in a copy of the judgment of His Honor Judge Hazen in the case of the *White Fawn*. (No. 1, Appendix P.)

Mr. John McInnis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 28, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Joseph O. Procter, of Gloucester, Mass., engaged in the fishing business, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 29, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by M. Davies and re-examined by Mr. Foster.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XLVII.

*Record of the proceedings of the Fisheries Commission, at the forty-second conference, held at Halifax, Nova Scotia, on the 2d day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Sydney Gardner, of Gloucester, Mass., inspector of customs, was called, and gave evidence on oath on matters connected with the inquiry. (No. 30, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Stephen J. Martin, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 31, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Michael Macauley, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 32, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies and, by consent, by Mr. Whiteway.

Mr. S. J. Martin was recalled and re-examined by Mr. Dana. Mr. Weatherbe cross-examined.

Mr. Ezra Turner, of Isle of Haut, State of Maine, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 33, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL XLVIII.

*Record of the proceedings of the Fisheries Commission at the forty-eighth conference, held at Halifax, Nova Scotia, on the 3d day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Ezra Turner was resumed by Mr. Weatherbe.

Mr. Samuel T. Rowe, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 34, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Moses Tarr, of Gloucester, Mass., a fisherman and fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 35, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Weatherbe.

Mr. Benjamin Ashby, jr., of Noank, Conn., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 36, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL XLIX.

*Record of the proceedings of the Fisheries Commission at the forty-ninth conference, held at Halifax, Nova Scotia, on the 4th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Davies handed in reports, extracted from Canadian newspapers, of judgments delivered by Sir William Young, in the vice-admiralty court of Halifax, on the following cases:

The Wampatuck, 6th December, 1870. (No. 2, Appendix P.)

The A. H. Wanson, 10th February, 1871. (No. 3, Appendix P.)

The A. J. Franklin, 10th February, 1871. (No. 4, Appendix P.)

The J. H. Nickerson, November, 1871. (No. 5, Appendix P.)

Mr. Joseph F. Brown, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 37, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Peter H. Mills, of Deer Isle, Me., a farmer and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 38, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Davies.

Mr. William H. McDonald, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 39, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Whiteway.

Mr. William A. Dickey, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 40 Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre.

Mr. Alvarado Gray, of Brooksville, State of Maine, a fisherman, was

called, and gave evidence on oath on matters connected with the inquiry. (No. 41, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe and by Whiteway.

The Commission adjourned at 4 p. m. till the next day at noon.

- MAURICE DELFOSSE.
  - E. H. KELLOGG.
  - A. T. GALT.
  - FRANCIS CLARE FORD.
  - DWIGHT FOSTER.
  - J. H. G. BERGNE.
- 

#### PROTOCOL L.

*Record of the proceedings of the Fisheries Commission at the fiftieth conference, held at Halifax, Nova Scotia, on the 5th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Robert H. Hulbert, of Gloucester, Mass., a fisherman, and pilot of the United States steamer Speedwell, was called, and gave evidence on oath on matters connected with the inquiry. (No 42, Appendix L.)

The witness was partially examined by Mr. Foster, who requested permission to reserve the remainder of the examination until some fishermen at present in the port of Halifax had given their testimony.

Mr. Castanus M. Smalley, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 43, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Edward A. Googins, of Portland, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 44, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. Isaac Burgess, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 45, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Weatherbe.

Mr. Charles H. Brier, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 46, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. Doutre.

Mr. Dexter F. Walsh, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 47, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Lawrence Londrigan, of St. Mary's Bay, Newfoundland, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 48, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Richard Hopkins, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 49, Appendix L.)

The witness was examined by Mr. Treseot and cross-examined by Mr. Davies.

Mr. James O. Clark, of Belfast, Me., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 50, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned till Monday, the 8th of October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

#### PROTOCOL LI.

*Record of the proceedings of the Fisheries Commission at the fifty-first conference, held at Halifax, Nova Scotia, on the eighth day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster presented to the Commissioners and to the Agents of Great Britain copies of 233 affidavits on behalf of the United States, which had been printed in Boston. (Appendix M, 1 to 233.)

The President inquired whether these affidavits were put in without being read by consent of the British side.

Permission was requested by Mr. Weatherbe to state next day what course the British side desired to pursue in this respect.

The examination of Mr. Robert H. Hulbert was resumed by Mr. Foster. The witness was cross-examined by Mr. Davies.

Mr. James Currie, of Pictou, Nova Scotia, a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 51, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Thomson.

Mr. William Perry, of Sheet Harbor, Halifax, Nova Scotia, a seaman and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 52, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Doutre.

Mr. Thomas Warren, deputy collector of customs, of Deer Isle, State of Maine, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 53, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Weatherbe.

Mr. Wilford J. Fisher, of Eastport, Me, express and commission agent, was called, and gave evidence on oath on matters connected with the inquiry. (No. 54, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4 p. m. till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

### PROTOCOL LII.

*Record of the proceedings of the Fisheries Commission at the fifty-second conference, held at Halifax, Nova Scotia, on the 9th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson stated that Her Majesty's Agent had no objection to the affidavits on the part of the United States being filed without being read.

The examination of Mr. Wilford J. Fisher was resumed by Mr. Trescot. The witness was cross-examined by Mr. S. R. Thomson.

Mr. Joseph Lakeman, of Grand Manan, a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 55, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Sylvanus Smith, of Gloucester, Mass., an owner of vessels and outfitter, was called, and gave evidence on oath on matters connected with the inquiry. (No. 56, Appendix L.)

The witness was examined by Mr. Foster.

The Commission adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LIII.

*Record of the proceedings of the Fisheries Commission at the fifty-third conference, held at Halifax, Nova Scotia, on the 10th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Sylvanus Smith was resumed by Mr. Foster.

The witness was cross-examined by Mr. Davies.

Mr. Gilman S. Williams, of Gloucester, Mass., a police officer, and formerly a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No 57, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LIV.

*Record of the proceedings of the Fisheries Commission at the fifty-fourth conference, held at Halifax, Nova Scotia, on the 11th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. Williams was resumed by Mr. S. R. Thomson.

Mr. David W. Low, of Gloucester, Mass., postmaster, was called, and gave evidence on oath on matters connected with the inquiry. (No. 58, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LV.

*Record of the proceedings of the Fisheries Commission at the fifty-fifth conference, held at Halifax, Nova Scotia, on the 12th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. David W. Low was resumed by Mr. Dana.

The witness was cross-examined by Mr. Davies.

The Commission adjourned at 4 p. m. until Monday, the 15th day of October, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL LVI.

*Record of the proceedings of the Fisheries Commission at the fifty-sixth conference, held at Halifax, Nova Scotia, on the 15th day of October, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The cross-examination of Mr. David W. Low was resumed by Mr. Davies and by Mr. Whiteway.

The witness was re-examined by Mr. Dana, and again cross-examined by Mr. Davies and by Mr. Whiteway.

Mr. Dana and Mr. Foster then read affidavits made relative to the present inquiry by the following persons:

Mr. Joseph McPhee, of Gloucester, Mass. (No. 239, Appendix M.)  
Mr. William Parsons, of Gloucester, Mass. (No. 240, Appendix M.)  
Mr. Solomon Pool, of Gloucester, Mass. (No. 241, Appendix M.)  
Mr. Benjamin Swim, of Gloucester, Mass. (No. 242, Appendix M.)  
Mr. Charles F. Carter, of Gloucester, Mass. (No. 243, Appendix M.)  
The Commission then adjourned until next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL LVII.

*Record of the proceedings of the Fisheries Commission at the fifty-seventh conference, held at Halifax, Nova Scotia, on the 16th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Eliphalet W. French, of Eastport, Me., a fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 59, Appendix L.)

The witness was examined by Mr. Trescot and cross-examined by Mr. S. R. Thomson.

Mr. Foster then read affidavits made relative to the present inquiry by the following persons:

Mr. Winthrop Thurston, of Rockport, Mass. (No. 244, Appendix M.)

Mr. James A. Colson, of Gloucester, Mass. (No. 245, Appendix M.)

Mr. Henry G. Coas, of Gloucester, Mass. (No. 246, Appendix M.)

Mr. Joseph J. Tupper, of Gloucester, Mass. (No. 247, Appendix M.)

Mr. William Davis, of Gloucester, Mass., a master mariner and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 60, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. William O. Cook, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 61, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Edward Hill, of Gloucester, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 62, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

Mr. John Conley, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 63, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. Davies.

Mr. John C. Knowlton, of Rockport, Mass., a fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 64, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned till the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LVIII.

*Record of the proceedings of the Fisheries Commission at the fifty-eighth conference, held at Halifax, Nova Scotia, on the 17th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. James H. Myrick, of Boston, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 65, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Foster then read an affidavit made relative to the present inquiry by Mr. Hanson B. Joyce, of Swan's Island, Me. (No. 248, Appendix M.)

Mr. Chresten Nelson, of Gloucester, Mass., a fisherman and sail-maker, was called, and gave evidence on oath on matters connected with the inquiry. (No. 66, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

Mr. James W. Pattillo, of North Stoughton, Mass., a retired fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 67, Appendix L.)

The witness was examined by Mr. Trescot.

The Commission adjourned at 4.15 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCOIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LIX.

*Record of the proceedings of the Fisheries Commission at the fifty-ninth conference, held at Halifax, Nova Scotia, on the 18th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. James W. Pattillo was resumed by Mr. Trescot. This witness was cross-examined by Mr. S. R. Thomson.

Prof. Spencer F. Baird, assistant secretary of the Smithsonian Institute, at Washington, and United States Commissioner of Fish and Fisheries, was then called, and gave evidence on oath on matters connected with the inquiry. (No. 68, Appendix L.)

The witness was examined by Mr. Dana.

The examination of Professor Baird was interrupted in order to call a witness at present in Halifax Harbor.

Mr. William J. Nass, a master mariner and fisherman, of Chester, Nova Scotia, a naturalized citizen of the United States, was called, and gave evidence on oath on matters connected with the inquiry. (No. 69, Appendix D.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL LX.

*Record of the proceedings of the Fisheries Commission at the sixtieth conference, held at Halifax, Nova Scotia, on the 19th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Professor Baird was resumed by Dana. The witness was cross-examined by Mr. S. R. Thomson and by Mr. Whiteway.

Mr. Howard M. Churchill, of Rustico, Prince Edward Island, a United States citizen, fish-merchant, was called, and gave evidence on oath on matters connected with the inquiry. (No. 70, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Isaac O. Hall, of Winthrop, Mass., and of Charlottetown, Prince Edward Island, a fish-merchant, was called and gave evidence on oath on matters connected with the inquiry. (No. 71, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

The Commission adjourned at 5.10 p. m. until Monday, the 22d October, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL LXI.

*Record of the proceedings of the Fisheries Commission at the sixty first conference, held at Halifax, Nova Scotia, on the 22d day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Walter M. Falt, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 72, Appendix L.)

The witness was examined by Mr. Trescot and cross examined by Mr. S. R. Thomson.

Mr. Charles H. Pew, of Gloucester, Mass., a partner in the firm of John Pew & Sons, engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 73, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. George W. Plumer, of Gloucester, Mass., a commission merchant and fish-dealer, was called, and gave evidence on oath on matters connected with the inquiry. (No. 74, Appendix L.)

The witness was examined by Mr. Dana.

The Commission adjourned at 4.15 p. m. until the next day, noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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## PROTOCOL LXII.

*Record of the proceedings of the Fisheries Commission at the sixty-second conference, held at Halifax, Nova Scotia, on the 23d day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. George W. Plumer was resumed by Mr. Dana. The witness was cross-examined by Mr. Weatherbe.

Mr. James A. Pettes, of Grand Manan, a hotel-keeper and fisherman, was called, and gave evidence on oath on matters connected with the inquiry. (No. 75, Appendix L.)

The witness was examined by Mr. Trescot and cross examined by Mr. S. R. Thomson.

Mr. Joseph Rowe, of Gloucester, Mass., an owner and fitter of fishing vessels, was called, and gave evidence on oath on matters connected with the inquiry. (No. 76, Appendix L.)

The witness was examined by Mr. Foster and cross-examined by Mr. Davies.

Mr. Roger W. Wonson, of Gloucester, Mass., engaged in the fishing business, was called, and gave evidence on oath on matters connected with the inquiry. (No. 77, Appendix L.)

The witness was examined by Mr. Dana and cross-examined by Mr. S. R. Thomson.

The Commission then adjourned until next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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### PROTOCOL LXIII.

*Record of the proceedings of the Fisheries Commission at the sixty-third conference, held at Halifax, Nova Scotia, on the 24th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved and signed by the Commissioners, the Secretary, and the Agents.

Mr. Fitz J. Babson, collector of customs at Gloucester, Mass., was called, and gave evidence on matters connected with the inquiry. (No. 78, Appendix L.)

The witness was examined by Mr. Trescott and cross-examined by Mr. Davies.

Mr. Babson produced a statement, collected by Inspector Blatchford, of the results of fishing operations of certain Gloucester firms.

Upon the presentation of this paper objection was made by Messrs. Thomson and Davies to its being received, upon the ground that the statements therein included were not sworn to.

Mr. Foster submitted that under the treaty he had the right to file this return as evidence, to go for what it was worth before the Commissioners.

The Commissioners so decided, and the paper was accordingly filed. (No. 4, Appendix O.)

Mr. Foster then filed thirty-two affidavits, made by various persons, relative to the present inquiry. (Nos. 249 to 280, inclusive, Appendix M.)

Mr. Foster also handed in a statement of the mackerel inspected at Portsmouth and Newcastle for the years 1869 to 1877, inclusive. (No. 5, Appendix O.)

Also a summary of the annual returns of the inspector-general of fish for the State of Maine for the years 1866 to 1873, inclusive. (No. 6, Appendix O.)

Mr. Foster then stated that the case of the United States was now closed, with the exception of certain returns of the inspector-general of fish of Massachusetts, which, by agreement, were to be introduced when received.

Mr. Daniel M. Browne, of Halifax, Nova Scotia, a retired navigating lieutenant of the Royal Navy, and now a clerk in the marine and fisheries department of Canada, was then called on behalf of Her Majesty's Government, and gave evidence on oath on matters connected with the inquiry. (No. 83, Appendix F.)

The witness was examined by Mr. S. R. Thomson and cross-examined by Mr. Foster.

This closed the direct evidence on behalf of Her Majesty's Government.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL LXIV.

*Record of the proceedings of the Fisheries Commission at the sixty-fourth conference, held at Halifax, Nova Scotia, on the 25th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The rebuttal evidence on behalf of Her Majesty's Government was commenced.

Mr. Henry Youle Hind, M. A., of Windsor, Nova Scotia, was called, and gave evidence on oath on matters connected with the inquiry. (No. 1, Appendix Q.)

The witness was examined by Mr. S. R. Thomson and by Mr. Whiteway.

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

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#### PROTOCOL LXV.

*Record of the proceedings of the Fisheries Commission at the sixty fifth conference, held at Halifax, Nova Scotia, on the 26th day of October, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The examination of Mr. Henry Youle Hind was resumed by Mr. Whiteway. The witness was cross-examined by Mr. Dana and by Mr. Foster.

Mr. Whiteway then read an affidavit made relative to the present inquiry by Mr. Thomas Rumsey, of St. John's, Newfoundland. (No. 1, Appendix Q.)

Mr. Foster filed a copy of an insurance policy in the Gloucester Mutual Fishing Insurance Company, accompanied by the by-laws of the said company. (Nos. 1 and 2, Appendix R.)

Mr. Foster also filed, by consent, a copy of a fishing shipping paper (No. 3, Appendix R);

And presented returns of the mackerel inspected in the State of Massachusetts for several years.

A summary of these will be found in No. 7, Appendix O.

The Commission then adjourned till Thursday, the 1st of November, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL LXVI.

*Record of the proceedings of the Fisheries Commission at the sixty-sixth conference, held at Halifax, Nova Scotia, on the 1st day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Whiteway read affidavits, made relative to the present inquiry, by the following persons resident in Newfoundland:

Mr. Robert Inkpen, of Burin. (No. 2, Appendix Q.)

Mr. Stephen Power, of Placentia. (No. 3, Appendix Q.)

Mr. Stephen Fiander, of Coomb's Cove. (No. 4, Appendix Q.)

Mr. Philip Thornhill, of Anderson's Cove. (No. 5, Appendix Q.)

Mr. George Rose, of Jersey Harbor. (No. 6, Appendix Q.)

Mr. Maurice Bonia, of Placentia. (No. 7, Appendix Q.)

Mr. Humphrey Sullivan, of Placentia. (No. 8, Appendix Q.)

Mr. Doutre then stated that the case of Her Majesty's Government was now altogether closed.

Mr. Foster stated that he hoped to be prepared to address the court on Monday, the 5th of November, and the Commission accordingly adjourned until that day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL LXVII.

*Record of the proceedings of the Fisheries Commission at the sixty seventh conference, held at Halifax, Nova Scotia, on the 5th day of November, 1877.*

The Commission met at noon, pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster commenced the closing argument on behalf of the United States. (No. 4, Appendix J.)

The Commission adjourned at 3.30 p. m. until the next day at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LXVIII.

*Record of the proceedings of the Fisheries Commission at the sixty eighth conference, held at Halifax, Nova Scotia, on the 6th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Foster resumed his address left unfinished the previous day.

On the conclusion of his speech Mr. Foster requested permission to be absent for a few days on urgent private affairs. He suggested that during his absence the records should be signed on his behalf by Mr. R. H. Dana, Junr.

The proposal was accepted by the Commissioners.

The Commission then adjourned until Thursday, the 8th of November, at noon.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

RICH. H. DANA, JUNR.

J. H. G. BERGNE.

## PROTOCOL LXIX.

*Record of the proceedings of the Fisheries Commission at the sixty-ninth conference, held at Halifax, Nova Scotia, on the 8th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Trescot addressed the Commissioners in continuation of the closing arguments on behalf of the United States. (No. 5, Appendix J.)

On the conclusion of Mr. Trescot's address, the Commission adjourned until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
RICH. H. DANA, JUNR.  
J. H. G. BERGNE.

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## PROTOCOL LXX.

*Record of the proceedings of the Fisheries Commission at the seventieth conference, held at Halifax, Nova Scotia, on the 9th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Dana addressed the Commissioners in continuation of the closing arguments on behalf of the United States. (No. 6, Appendix J.)

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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## PROTOCOL LXXI.

*Record of the proceedings of the Fisheries Commission, at the seventy-first conference, held at Halifax, Nova Scotia, on the 10th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Dana resumed his speech left unfinished the previous day.

This concluded the final arguments on behalf of the United States.

Mr. Thomson then stated that the British counsel would be prepared to commence the closing arguments on behalf of Her Britannic Majesty's Government on Thursday, the 15th of November; and the Commission accordingly adjourned until that day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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### PROTOCOL LXXII.

*Record of the proceedings of the Fisheries Commission at the seventy-second conference, held at Halifax, Nova Scotia, on the 15th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States (Mr. R. H. Dana, jr., acting) and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Whiteway commenced the closing arguments on behalf of Her Britannic Majesty's Government. (No. 7, Appendix J.)

The Commission then adjourned until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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### PROTOCOL LXXIII.

*Record of the proceedings of the Fisheries Commission at the seventy-third conference, held at Halifax, Nova Scotia, on the 16th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre addressed the Commission in continuation of the closing arguments on behalf of Her Majesty's Government. (No. 8, Appendix J.)

The Commission adjourned until Saturday, the 17th November, at 3 p. m.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL LXXIV.

*Record of the proceedings of the Fisheries Commission at the seventy-fourth conference, held at Halifax, Nova Scotia, on the 17th day of November, 1877.*

The Commission met at 3 p. m., as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. Doutre resumed his speech left unfinished the previous day.

The Commission adjourned at 4.20 p. m. until Monday, the 19th of November, at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

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#### PROTOCOL LXXV.

*Record of the proceedings of the Fisheries Commission at the seventy-fifth conference, held at Halifax, Nova Scotia, on the 19th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson addressed the Commissioners in continuation of the closing arguments on behalf of Her Britannic Majesty's Government. (No. 9, Appendix J.)

The Commission adjourned at 4 p. m. until the next day at noon.

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

## PROTOCOL LXXVI.

*Record of the proceedings of the Fisheries Commission at the seventy-sixth conference, held at Halifax, Nova Scotia, on the 20th day of November, 1877.*

The Commission met at noon, as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson resumed his address left unfinished the previous day.

The Commission adjourned until the next day at 11 a. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LXXVII.

*Record of the proceedings of the Fisheries Commission at the seventy-seventh conference, held at Halifax, Nova Scotia, on the 21st day of November, 1877.*

The Commission met at 11 a. m., as appointed.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

Mr. S. R. Thomson resumed his address left unfinished the previous day, and on its conclusion stated that the case on behalf of the United States having been concluded, that of Her Majesty's Government was now finally closed.

The President then requested the Secretary to enter on the minutes that the Commissioners desired to record their thanks to Mr. Bergne for his services as Secretary to the Commission, and their sense of the zeal, intelligence, and accuracy which had marked the discharge of his duties.

The Commission adjourned until Friday, the 23d of November, at 2 p. m.

MAURICE DELFOSSE.

E. H. KELLOGG.

A. T. GALT.

FRANCIS CLARE FORD.

DWIGHT FOSTER.

J. H. G. BERGNE.

## PROTOCOL LXXVIII.

*Record of the proceedings of the Fisheries Commission at the seventy-eighth conference, held at Halifax, Nova Scotia, on the 23d day of November, 1877.*

The Commission met at 2 p. m., pursuant to adjournment.

The three Commissioners, and the Agents of the United States and of Great Britain, respectively, were present.

By direction of the President, the Secretary read the records of the last conference, which were approved, and signed by the Commissioners, the Secretary, and the Agents.

The President first expressed the thanks of the Commissioners to Mr. Foster and to Mr. Ford for the able manner in which they had conducted the proceedings, and his best wishes for the welfare of all those who had been connected with the inquiry.

The President then read the following Award :

The undersigned Commissioners appointed under Articles XXII and XXIII of the Treaty of Washington of the 8th of May, 1871, to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of said treaty, the amount of any compensation which in their opinion ought to be paid by the Government of the United States to the Government of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of the said treaty ;

Having carefully and impartially examined the matters referred to them according to justice and equity, in conformity with the solemn declaration made and subscribed by them on the fifteenth day of June, one thousand eight hundred and seventy-seven :

Award the sum of five millions five hundred thousand dollars, in gold, to be paid by the Government of the United States to the Government of Her Britannic Majesty in accordance with the provisions of the said treaty.

Signed at Halifax, this twenty-third day of November, one thousand eight hundred and seventy-seven.

MAURICE DELFOSSE.  
A. T. GALT.

The United States Commissioner is of opinion that the advantages accruing to Great Britain under the Treaty of Washington are greater than the advantages conferred on the United States by said treaty, and he cannot therefore concur in the conclusions announced by his colleagues.

And the American Commissioner deems it his duty to state further that it is questionable whether it is competent for the board to make an award under the treaty, except with the unanimous consent of its members.

E. H. KELLOGG, *Commissioner.*

Mr. Foster then addressed the Commission as follows :

GENTLEMEN OF THE COMMISSION : I have no instructions from the Government of the United States as to the course to be pursued in the contingency of such a result as has just been announced.

But if I were to accept in silence the paper signed by two Commissioners, it might be claimed hereafter that, as Agent of the United States, I had acquiesced in treating it as a valid award. Against such an inference it seems my duty to guard. I therefore make this statement, which I desire to have placed upon record.

Mr. Kellogg next expressed his thanks and those of Sir A. T. Galt to Mr. Delfosse for the manner in which he had fulfilled the duties of President of the Commission.

The President then announced that the Commission was adjourned *sine die.*

MAURICE DELFOSSE.  
E. H. KELLOGG.  
A. T. GALT.  
FRANCIS CLARE FORD.  
DWIGHT FOSTER.  
J. H. G. BERGNE.

# APPENDIX A.

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## FISHERY COMMISSION UNDER THE TREATY OF WASHINGTON, OF MAY 8, 1871.

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### CASE OF HER MAJESTY'S GOVERNMENT.

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## INTRODUCTION.

In laying the case of Her Majesty's Government before the Commissioners, it will be desirable to commence by a brief history of the fisheries question since the outbreak of the War of Independence in 1775.

Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the treaty of the 3d September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of Saint Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States fishermen should be at liberty to fish on such part of the coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British possessions in North America, and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The III. Article of the Treaty of Paris of the 3d of September, 1783, is as follows:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It should, however, be observed that the rights conceded to the United States fishermen under this treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory, terminated. In the course of the negotiations which preceded the peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American commissioners who were assembled at Ghent for the purpose of drawing up the articles of peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbors, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the treaty of 1783 to the American fishermen.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British commissioners stated "that the British Government did not intend to grant to the United States gratuitously the privileges formerly granted to them by treaty of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States, of immemorial and prescriptive right, was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent state.

After much discussion, it was finally agreed to omit all mention of this question from the treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the fisheries question.

Orders were now sent out to the governors of the British North American colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks, in the Gulf of Saint Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbors, bays, rivers, and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

**Article 1 of this Convention is in these words :**

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannick Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannick Majesty's dominions in America not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Subsequent to the conclusion of this Convention, in consequence of numerous complaints on the part of Her Majesty's Government of encroachments on their waters by American fishermen, the United States Government issued a notice warning their subjects that they were "to observe strictly the limits assigned for taking, drying, and curing, fish by the fishermen of the United States, under the 1st Article of the Convention of the 20th of October, 1818," a copy of which was annexed to the circular notice.

This was the state of affairs until the year 1847, when, in consequence of a petition addressed to the Queen by the Canadian Parliament, negotiations were opened between the two governments for the establishment of reciprocal free trade between Canada and the United States; and on the 1st of November, 1849, Sir H. Bulwer, who was then about to proceed to Washington as British Minister, was authorized to enter into a negotiation by which access to the fisheries of all the colonies (except Newfoundland, which refused to consent on any terms) should be given to the citizens of the United States, in return for reciprocity of trade with the United States, in all natural productions, such as fish, wheat, timber, &c.

The proposal was favorably received by the United States Government, but some delay occurred, owing to the death of General Taylor in 1850. The new President, however, doubted whether it was a proper subject for a Treaty, and thought that it should be done by legislation, and accordingly a bill was brought in for the purpose. The bill was, however, thrown out, and from one cause or another nothing was done from that time until 1852, when a desire was evinced on the part of the United States Government to come to an arrangement on the subject, and a draft convention having been prepared, a copy thereof was sent home by the British Minister on the 19th December, 1852, together with remarks made by the President thereon.

A good deal of correspondence passed between the two Governments on the subject, but, owing to difficulties connected with the question of Tariff, the United States Government appeared anxious to have the

Fisheries Question dealt with separately, but to this the British Government would not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and fortunately, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of further causes of dissatisfaction.

In the mean time, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majesty's North American Provinces, received instructions to visit Washington, and to ascertain the views of the United States Government, and if any favorable opportunity presented itself, to conclude a Treaty on the subject. So successfully were Lord Elgin's negotiations conducted, that in a letter dated 12th June, 1854, he was able to announce that he had executed a Treaty with Mr. Secretary Marcy relative to Fisheries and Reciprocity of Trade between the United States and the British Provinces in North America. This was the Reciprocity Treaty signed on the 5th June, 1854, and confirmed by the United States Senate on the 3d August of the same year. Its main provisions were as follows:

British waters on the east coast of North America were thrown open to United States citizens, and United States waters north of the 36th degree of north latitude were thrown open to British fishermen; excepting always the salmon and shad fisheries (which were exclusively reserved to the subjects of each country), and certain rivers and mouths of rivers to be determined by a Commission to be appointed for that purpose. Certain articles of produce of the British Colonies and of the United States were admitted to each country, respectively, free of duty. The Treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

Some difficulty was experienced in regard to Newfoundland, but at length a clause was agreed to, providing that if the Imperial Parliament of Great Britain, the Provincial Parliament of Newfoundland, and the Congress of the United States should agree that Newfoundland should be included, all the provisions and stipulations of the Treaty should apply to that Colony.

The Commission for the designation of the places reserved to each country from the common right of fishing met subsequently, and was engaged for some years in determining the places to which the exclusive right of fishing applied. It is, however, unnecessary here to do more than notice this fact, as the reservations in question are expressly mentioned under Article XX of the Treaty of Washington of 1871.

From the year 1854 until 1865 the Reciprocity Treaty continued in force, and no further difficulties appear to have arisen on questions connected with the Fisheries; but on the 17th of March of that year, Mr. Adams, the United States Minister in England, informed the British Government that he was instructed to give notice that at the expiration of twelve months from that day the Reciprocity Treaty was to terminate. This notice was given in pursuance of a Resolution of Congress approved by the President of the United States.

Efforts were made on the part of Her Majesty's Government toward a renewal of the treaty, but these, from various reasons, proving unsuccessful, the Treaty came to an end on the 17th of March, 1866; and, as a consequence, the provisions of the Convention of 1818 revived on the same day, and remain in effect at the present moment, except in so far

as they are affected by the stipulations of the Treaty of Washington of 1871.

In the mean time a notice had been issued by Lord Monck warning the citizens of the United States that their right to fish in British waters would cease on the 17th of March, 1866; and it became necessary to consider what measures should be adopted for the protection of British rights. Her Majesty's Government were very desirous to prevent, as far as possible, the injury and loss which must be inflicted upon citizens of the United States by a sudden withdrawal of the privileges enjoyed by them for twelve years; but with every desire in this direction, they found themselves bound by acts both of the Imperial and Colonial Legislatures to enforce severe penalties upon all persons, not being British subjects, who might be found fishing within British jurisdiction.

Eventually, however, on the suggestion of Lord Monck, it was decided that American fishermen should be allowed during the year 1866 to fish in all provincial waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licenses; and in 1870 it again became necessary to take strict measures for the enforcement of British rights. Orders were given to Admiral Wellesley to dispatch a sufficient force to Canadian waters to insure the protection of Canadian fishermen and the maintenance of order, and to instruct the senior officer of such force to co-operate cordially with any United States force sent on the same service. It was also found necessary to employ a local marine police force for the same purpose.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the Convention of 1818, both by fishing within British waters and by frequenting Canadian ports for objects not permitted by the Convention, and notwithstanding the steps taken by the British Government to mitigate as far as possible the stringency of the orders given for the exclusion of American fishermen from British waters, it was found at the close of the season of 1870 that many seizures of American vessels had been made by cruisers both of the Imperial and Dominion Governments.

The difficulties caused by these untoward events subsequently led to the reopening of negotiations for the settlement of questions connected with the Fisheries.

It is unnecessary here to relate the circumstances which led to the appointment of the Joint High Commission in 1871. Suffice it to say that, towards the end of 1870 Sir John Rose, having been commissioned to proceed in an unofficial character to Washington for the purpose of ascertaining the views of the United States on the subject, was able in the month of February, 1871, to announce that the United States Government were prepared to refer all questions between the two countries to a Joint High Commission.

The Commissioners held their first meeting at Washington, on the 27th February, 1871, and the treaty was signed on the 8th of May of the same year.

## FISHERY ARTICLES OF THE TREATY OF WASHINGTON.

The articles in this treaty relating to the Fisheries, and in virtue of which this commission is constituted, are Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXXII, and XXXIII. They are as follows:

## ARTICLE XVIII.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto abjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all other fisheries in rivers and the mouth of rivers, are hereby reserved exclusively for British fishermen.

## ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

## ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the 1st Article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said 1st Article of the treaty of the 5th of June, 1854.

## ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country respectively free of duty.

## ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

## ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say; One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

## ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners, appointed under Articles XXII and XXIII of this treaty, shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

## ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two governments in equal moieties.

## ARTICLE XXXII.

It is further agreed, that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

## ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward.

The acts necessary to enable these articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the parliament of Canada on the 14th June, 1872; by the legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872; and by the United States Congress on the 25th of February, 1873. A proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day on which these articles should come formally into operation.

Some difficulties having arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary act was passed by that colony; and a proclamation issued on the 29th of May, of the same year, fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the treaty in advance of the formal legislative acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a circular from the United States Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States Government as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the treaty, and in the mean while, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners, as provided under Article XXII of the treaty; it being always distinctly understood that, in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission should in no way be prejudiced. These negotiations having led to no result, it became neces-

sary to revert to the terms of the treaty, and to take steps for the constitution of the Commission in the manner prescribed by it.

Having thus stated the circumstances which led to the conclusion of the Fishery Articles of the Treaty of Washington, having recited those articles and enumerated the legislative enactments which have been passed for the purpose of rendering them affective, it is submitted that in order to estimate the advantages thereby derived respectively to subjects of the United States and of Great Britain, the following has is the only one which it is possible to adopt under the terms of the first portion of Article XVIII of the Treaty of Washington, of 1871, vi: That the value of the privileges granted to each country respectively to Articles XVIII, XIX, and XXI of that treaty, *which were not enjoyed under the 1st Article of the Convention of the 20th October, 1818*, is that which this Commission is constituted to determine.

Article I of the Convention of the 20th October, 1818, provides that—

The inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramea Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coast bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

Such was the respective position of each country under the Convention of 1818 on matters connected with the fisheries; and it now remains to state precisely what additional liberties are acquired by each under the Treaty of Washington.

Article XVIII and XXI of the Treaty of Washington superadd to the privileges conferred upon United States citizens by the Convention of 1818—

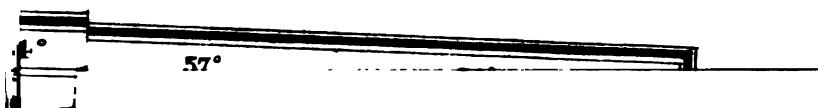
(1.) The liberty to take fish of every kind except shell-fish on the sea-coasts and shores, and in the bays, harbors, and creeks, of the provinces of Quebec, Nova Scotia and New Brunswick, and the colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets or curing their fish: *Provided*, That so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishes and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

(2.) The admission into Canada of "fish-oil and fish of all kinds (except fish of inland lakes and of the rivers falling into them, and except fish preserved in oil), be the produce of the fisheries of the United States," free of duty.

(3.) The enjoyment of these privileges to continue during a period of twelve years certain.

Similar privileges are granted by Article XXXII in regard to the colony of Newfoundland.





Articles XIX and XXI confer the following privileges upon British subjects :

(1.) The liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereto adjacent, and in the bays, harbors, and creeks of the said sea-coast and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States, and of the islands aforesaid, for the purpose of drying their nets and curing their fish : *Provided*, That in so doing they do not interfere with the rights of private property or with the fishermen of the United States in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery, and that salmon and shad fisheries, and all other fisheries, in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

(2.) The admission into the United States of "fish-oil and fish of all kinds (except fish of inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the Dominion of Canada or of Prince Edward Island," free of duty.

(3.) The enjoyment of these privileges to continue during a period of 12 years certain.

Article XXXII extends the above-mentioned privileges, so far as they are applicable to the colony of Newfoundland.

Upon this basis Great Britain asserts that the privileges specified in Article XVIII of the Treaty of Washington of 8th May, 1871, exceed in value the privileges specified in Articles XIX and XXI. This assertion is made upon the following grounds, which, for convenience of argument, have been divided into two parts. Part I deals exclusively with the case of the Dominion of Canada. Part II deals exclusively with the case of the colony of Newfoundland.

#### PART I.—CANADA.

##### CHAPTER I.—*Extent and value of Canadian fisheries.*

It will probably assist the Commission in arriving at a just estimation of the intrinsic worth of the concurrent fishing privileges accorded to United States citizens by the Treaty of Washington to refer briefly to the extent and value of the sea-coast fisheries of the maritime provinces of Canada, as evidenced in part by the profitable operations of British fishermen.

The districts within which British subjects carry on fishing on the coasts, and in the bays, harbors, and creeks of Canada, extend from the Bay of Fundy to the Gulf of Saint Lawrence, inclusive. The superficial area of these extensive fishing grounds, as shown on the accompanying map, comprises many thousands of square miles, forming the home of a great variety of the most prolific and valuable of sea-fish, the capture of which contributes in an important degree to British and American commerce, and supplies vast quantities of food to several millions of people. The chief of these fish, in the pursuit of which British subjects and United States citizens now participate in common under treaty arrangements, are mackerel, codfish, herring, halibut, haddock, hake, pollock, and many of the smaller varieties taken principally for bait.

It appears by the subjoined statement (Appendix A) that the produce of these fisheries caught by British subjects has greatly increased during seven years past. Their steady development and increasing wealth, as shown by this return, proves that a very considerable amount of industry and enterprise is embarked therein, and also that they are capable of still further expansion. This marked improvement in their condition and yield for the period specified in the table is an important circum-

stance in relation to the present inquiry. It shows that, as an article of commerce and a source of food, their actual productiveness keeps pace with the yearly increasing demand made on them for all the purposes of foreign and domestic trade and of local consumption. Also, they are now of much greater value than they were during the existence of the reciprocity treaty. The admission of American fishermen to concurrent rights under the Treaty of Washington is, therefore, in every respect highly advantageous to the United States citizens.

## CHAPTER II.—*Advantages derived by United States citizens.*

### 1. *Liberty of fishing in British waters.*

Liberty to prosecute freely the sea fisheries "on the coasts and shore and in the bays, harbors, and creeks" of Canada is in itself a very valuable concession to United States citizens. It concedes the common use of extensive and productive fishing-grounds, which are readily accessible to American fishermen, and are advantageously situated as regards their home market. The full value of this important concession can be but imperfectly determined by reference merely to the precise number of vessels and fishermen engaged in the business of fishing in these waters, or to the exact quantity of fish taken therefrom in the course of each successive season. Doubtless the amount of capital thus invested, the employment afforded, the trade and industry thereby promoted, and the necessary food supplied will be justly regarded by the Commission as forming material elements in the calculation of probable benefits derived by the American nation; but as it is desirable to refer to such specific data as may fairly establish the equitable foundation and practical character of the present claim, we propose to show, by such evidence as the case admits—

- (1) The number of United States fishing-vessels frequenting these waters;
- (2) The kinds and quantities of fish it is customary for them to take, and the profits accruing to them thereby;
- (3) The amount of capital embarked in these operations, and other advantages accruing to United States citizens thereby.

First. The official records of the United States Government show that in 1868 the "enrolled and licensed" vessels engaged in the cod and mackerel fisheries numbered 2,220; in 1869 there were 1,714 vessels so employed; in 1870 their numbers were 2,292; in 1871 there were 2,426 vessels thus engaged; and in 1872 there were 2,385.

The classification of decked fishing-vessels in the United States is confined nominally to the cod and mackerel fisheries, but no doubt includes such vessels as embark also in the herring, halibut, haddock, hake, pollack, and bait fisheries on the coasts of Canada. There are certainly fluctuations from year to year in the number of vessels engaged, as well as in the success of their respective voyages, but there is a remarkable concurrence in the statements made by various informants that an average number, ranging between 700 and 1,200, of the United States vessels have annually resorted to British waters for fishing purposes for many years past.

These vessels are variously occupied on the shores of Canada throughout each season. Some of them resort to the Gulf of Saint Lawrence from early spring time to late autumn in pursuit of cod, mackerel, herrings, and halibut. Others frequent the western coast of Nova Scotia and the Bay of Fundy throughout the season. During the existence of the Reciprocity Treaty, when free access was afforded to British waters,

it was admitted by an American authority, Mr. E. H. Derby, that about 600 of these vessels fished every year for mackerel alone on the gulf coasts of Canada; and it is probable that as many more fished along the Atlantic coasts of Canada, and also on the banks and ledges off shore. Captain Scott, R. N., commanding the marine police, and Captain Nickerson, of the same force, both state that as many as 1,200 United States fishing-vessels have been known to pass through the Gut of Canso in a single season. Inspector Venning states that during the existence of the Reciprocity Treaty the annual number was from 1,200 to 1,500. The executive council of Prince Edward Island, in a minute dated 17th February, 1874, states that 1,000 sail of United States vessels were engaged in the mackerel fishery alone in the year 1872. The former commander of the government cruiser *La Canadienne*, in his report for 1865, estimates that there were in that year from 1,050 to 1,200 American vessels engaged exclusively in the mackerel fishery of the Gulf of St. Lawrence. Subsequently, in 1866, the actual number of United States vessels duly licensed by the Canadian Government, on passing through the Gut of Canso for the inshore mackerel fisheries, was 454 as shown by official returns of the local collectors of customs. The exact number of other vessels which then refused to take out licenses on the pretext that they intended fishing in outside waters, was not, of course, recorded; but we are justified in assuming from the observations of qualified persons, whose oral or written testimony will be offered to the Commission if required, that at least 600 more were also engaged in the mackerel and other fisheries in British waters.

It is stated in the annual report of the United States Secretary of the Treasury for 1871 that "The district of Gloucester is most extensively engaged in this occupation; her cod and mackerel fleet, amounting to 548 vessels, 28,569 tons, showing an increase of 97 vessels since June 30, 1870." The same authority states in the annual report for 1872 that "the tonnage employed in the cod and mackerel fisheries has increased somewhat for the past three years."

Thirty-nine new fishing-vessels were built at the port of Gloucester, Mass., alone, in 1874, and about fifty more were to be built in the next following year; and as there are several other important outfitting ports in the same State, besides many others in the States of Maine, New Hampshire, Rhode Island, Connecticut, and New York, it is fair to infer that a corresponding increase in the fishing-fleet from these numerous ports will also take place now that the Canadian fisheries are reopened to their vessels. These five States added 243 schooners to their fishing-fleet in 1866, when the inducements to build were less certain. There is therefore good reason to anticipate that in the course of the twelve years stipulated in the present treaty, a still greater impetus will be given to the fishing industry and commerce of the United States. Such a result may be more confidently expected in consequence of the rapid increase of population and extension of settlements, the more numerous markets opened up by railway enterprises, and the growing demand for fish-food from the seaboard to replace the failing supplies from inland waters.

The withdrawal of New England tonnage from the whale fishery, in consequence of the rapid decline of that pursuit as a paying adventure, will most likely have the effect of engaging other sail in the more lucrative branches of marine industry. Mr. R. D. Cutts, in an able report to the United States Government on the political importance and economic conditions of the fisheries, expresses some apprehension of the imminent failure of the cod and other fisheries on the Grand Banks. Should such

ensue, it would properly engage additional tonnage in the inshore fisheries around the coasts of Canada.

We are therefore warranted in reckoning a yearly average number of vessels as availing themselves of the privileges accorded to United States citizens by the Treaty of Washington at about 1,000, reserving the right to show the probability of a still larger number being so engaged.

Second. American fishermen pursue their calling around the islands and in the harbors of the Bay of Fundy, and along parts of the coasts of Nova Scotia and New Brunswick bordering the said bay; down the south coast of Nova Scotia, and around the island of Cape Breton; thence through the Strait of Canso, along the northern coast of Nova Scotia and New Brunswick; thence through the Strait of Northumberland, and all around Prince Edward Island, particularly on its western, northern, and eastern coasts, resorting especially to the bays and harbors of the southern shore to tranship cargoes and procure supplies; thence into Miramichi Bay, the Bay of Chaleur, and Gaspé Bay; thence around the Magdalen Islands and Anticosti Island; thence up the south shore of the river Saint Lawrence to Father Point, and down the north shore of the river and gulf of Saint Lawrence from Point des Monts to Blanc Sablon Bay. These localities abound with codfish, mackerel, herrings, halibut, haddock, pollack, hake, and a variety of other and smaller fishes used expressly for bait, such as spring-herring, capelin, smelts, sand-lance, gaspereaux, also such bait as squid and clams. These are the principal descriptions of fish captured by United States citizens in British waters. They generally frequent the inshores, and are there caught in the largest quantities and of the finest quality, and with greater certainty and facility than elsewhere. A considerable portion of the cod-fish taken by American fishermen is doubtless caught on the banks and ledges outside, such as Green, Misco, Bradelle, and Orphan Banks, and within treaty limits around the Magdalen Islands, and on the southern coast of Labrador. Latterly it has been the practice to use cod-seines close inshore, and to fish with trawls and lines near the coast of Nova Scotia, New Brunswick, Quebec, and Anticosti. There is also a small portion of the other fishes named taken at various distances from the shore.

A majority of the fishing-fleet frequenting British waters being fitted almost exclusively for the mackerel fishery, that pursuit will be first considered as to the quantity taken by each vessel. In an ordinary voyage or "trip" from an American port to the Gulf fishing-grounds and back, without the liberty of resorting freely to the bays, creeks, and harbors and the inshores generally, to fish, refit, tranship, &c., but with only illicit opportunities to use these privileges, the profits of each vessel would be comparatively insignificant; but being privileged to fish, and to land and refit, and to transfer each fare to steamers or railways in Canada, and afterward to replenish stores and resume operations, the vessels would return immediately, while the fishing was good, to catch a second fare, which is similarly disposed of, and would often make a third trip before the season closes. Captain P. A. Scott, R. N., of Halifax, Nova Scotia, states that these facilities, combined with freedom of inshore fishing, enable each mackerelman to average about 800 barrels per season, worth \$12,100. Captain D. M. Brown, R. N., of Halifax, makes the same statement. Captain J. A. Tory, of Guysboro, Nova Scotia, states that it is common, with such advantages, for each vessel to catch from 1,000 to 1,500 barrels of mackerel in three trips. Mr. E. H. Derby estimates the catch of vessels "in the mackerel business from 500 to 700 barrels." Mr. William Smith, late controller of customs at St.

John, New Brunswick, now deputy minister of marine and fisheries, computes the catch of mackerel by American vessels at 10 barrels per ton. The late Mr. M. H. Perley, Her Majesty's Commissioner under the treaty of 1854, reports in 1849 having accosted five United States vessels actively fishing about three miles from Paspebiac, in Chaleur Bay, and several in Miramichi Bay, having upward of 900 barrels of mackerel each. It appears from a return made by the collector of customs at Port Mulgrave, in the Gut of Canso, that among 135 vessels of the American mackerel fleet which were casually spoken at that port in 1873, the names of which he gives, there were 33 having over 300 barrels apiece, 55 having over 400 barrels each, 28 having over 500 barrels each, 12 having over 600 barrels each, and 7 having over 700 barrels apiece. Probably these were not the largest fares secured, as the vessels were reported before the fall fishery (usually the best) had taken place. In the year 1874, 164 United States fishing-vessels took, at the east point of Prince Edward Island, 383 barrels per vessel. The catch of mackerel in that season by the island fishermen, who are few in numbers, and fish mostly in open boats and with seines, was altogether inshore, and amounted to 27,317 barrels.

We may confidently state that, at a very moderate computation, each American fishing-vessel frequenting British waters obtains, through the privileges conferred by the treaty, a catch of at least 300 barrels of mackerel alone, worth \$12 per barrel, at each trip, or a gross value of \$3,600 per vessel.

The proportion of codfish taken and forming part of the mixed fares would be comparatively small when distributed among a large number of vessels fishing principally for mackerel and herring. It is estimated that vessels fishing for cod, herring, and other fish during the intervals of mackereling usually take, of herring, 300 barrels; codfish, 100 quintals; halibut, 200 quintals; haddock, pollack, and bake, 100 quintals, and bait-fishes (exclusive of herring, used fresh), \$200 worth, each vessel averaging about \$2,000 worth in all. Many of these vessels, or others of smaller tonnage, are engaged in fishing around the western coasts of Nova Scotia and in the Bay of Fundy, both before and after their regular voyages to the eastern and Gulf fishing-grounds. But the maximum number of vessels and the value of catch reckoned in this claim, for the purpose of stating a basis of computation, without prejudice, however, to whatever addition to the number of vessels engaged and the quantity and value of fish caught may be substantiated in further evidence, does not specifically include the catch of those smaller vessels which are constantly occupied in the inshore fishings of the western coasts of the maritime provinces for other kinds besides mackerel. This reservation is necessarily due, if not to the moderation of the claim involved, at all events to the obvious difficulty of ascertaining with exactness the movements and operations of a fleet of foreign vessels, of varied tonnage, numbering between 1,000 and 3,000, besides the many small boats attached, which are continually moving about in different and distant localities, or frequenting throughout each season the countless indentations of a sinuous coast nearly 4,000 miles in linear extent.

In recapitulation of the above, it is estimated that each United States fishing-vessel will, on a moderate computation, take within British Canadian waters \$3,600 worth of mackerel, and \$2,000 worth of other fish; or a total of \$5,600 worth of fish of all kinds as an average for each trip. This estimate is, however, made, as stated in the case of the number of vessels engaged, without prejudice to any larger catch per

vessel, which we may be able to substantiate in evidence before the Commission.

Third. The estimated amount of capital embarked in this business by United States citizens exceeds \$7,000,000. Mr. Lorenzo Sabine, formerly president of the Boston Board of Trade, estimates it at \$7,280,000. It employs about 16,000 men afloat, besides many others ashore. That the investment is a profitable one is proved by the large amount of vessels and men engaging in it, and also the more costly appliances which are provided in these fishing pursuits. If the construction and equipment of vessels for the various fisheries which United States citizens so persistently follow in British waters was not proved to be highly advantageous, it is reasonable to assume that it would cease to engage a large amount of capital, for the use of which so many other attractive enterprises exist. It must be concluded, therefore, that the inshore fisheries afford never-failing occupation for men and money preferable to many other lucrative industries.

The advantages resulting to the commerce and supply of United States citizens generally from the privileges to which American fishermen are admitted by this treaty are most important. The demand for fish-food in all parts of the American Union is yearly increasing, and immense efforts are now being made to supply this want. A population already exceeding 40,000,000, constantly augmenting in numbers by immigration from foreign countries, and where the people consume the products of the sea to a very large extent, requires much more of this kind of food than the failing fisheries of the United States can now produce. Their productive power is no longer equal to the consumptive capacity of the nation. The rapid means of transport, and the improved methods of preservation now available, are fast bringing the inhabitants of the interior practically within easy reach of the seaboard; and fish of all kinds, even the most inferior descriptions, and qualities not hitherto saleable, are required to supply the public want. The magnitude of the present fish-trade of the United States is hardly conceivable from the meagre and partial statements derived from official returns. These tables publish only the "products of American fisheries received into the customs districts," which form but a small proportion of the enormous quantities of fish landed from United States boats and vessels, and much of which is obtained from the seacoasts of Canada.

We have referred elsewhere to reports made by American officials regarding the deteriorated condition of the fisheries, on the coasts of the New England States. They affirm that owing to such decline "the people are obliged to resort to far-distant regions to obtain the supply which formerly could be secured almost within sight of their homes." The above state of things already renders it necessary for United States citizens to secure access to Canadian fisheries; and the growing demand for local consumption before mentioned, apart from the requirements of their foreign trade, must tend greatly to increase this necessity.

Were United States citizens unable to supply such an extensive demand in consequence of being precluded from fishing in British Canadian waters, it would no doubt be supplied through British subjects, who would also catch more fish in their own exclusive waters than if fishing in the same limits concurrently with American fishermen. This consideration, therefore, forms an additional reason for the compensation which we now claim.

#### 2. *Liberty to land for the purposes of drying nets, curing fish, &c.*

The privileges secured to United States subjects in this respect by the Treaty of Washington are the liberty to land for purposes connected

with fishing on the coasts of Labrador, the Magdalen Islands, and the other portions of the seaboard of the Dominion of Canada. As the rights thus secured to United States fishermen for a period of twelve years vary somewhat in the different localities above named, it will be well to consider them separately.

Under the convention of 1818, United States citizens were privileged to fish on certain parts of the coast of Labrador, but were restricted in the liberty of drying and curing fish to unsettled places. Such districts as were then occupied, or might subsequently become settled, were reserved for the exclusive use of British fishermen, and rights and properties possessed by the Hudson's Bay Company were likewise reserved from common user. Gradual settlement during fifty years past has filled up nearly all available landing places along the southern coast of Labrador, between Blanc Sablon and Mount Joly; and the establishments maintained by the Hudson's Bay Company, whose rights and privileges are now acquired by Canada, have confirmed the exclusive occupancy contemplated by the Convention. Under such altered circumstances United States fishermen might have been excluded under the terms of the Convention from using these landings, without the free use of which the fisheries cannot be profitably pursued. The fish taken in these waters include herring, codfish, and sometimes mackerel, which are seined on the main shore, and among the islands throughout that region, and the famous "Labrador herring," which abounds there.

The Convention of 1818 entitled United States citizens to fish on the shores of the Magdalen Islands, but denied them the privilege of landing there. Without such permission the practical use of the inshore fisheries was impossible. Although such permission has tacitly existed, as a matter of sufferance, it might at any moment have been withdrawn, and the operations of United States fishermen in that locality would thus have been rendered ineffectual. The value of these inshore fisheries is great; mackerel, herring, halibut, capelin, and launce abound, and are caught inside of the principal bays and harbors, where they resort to spawn. Between three hundred and four hundred United States fishing-vessels yearly frequent the waters of this group, and take large quantities of fish, both for curing and bait. A single seine has been known to take at one haul enough of herrings to fill 3,000 barrels. Seining mackerel is similarly productive. During the spring and summer fishery of the year 1875, when the mackerel were closer inshore than usual, the comparative failure of the American fishermen was owing to their being unprepared with suitable hauling-nets and small boats, their vessels being unable to approach close enough to the beaches.

In the case of the remaining portions of the seaboard of Canada, the terms of the Convention of 1818 debarred United States citizens from landing at any part for the pursuit of operations connected with fishing. This privilege is essential to the successful prosecution of both the inshore and deep-sea fisheries. By it they would be enabled to prepare their fish in a superior manner, in a salubrious climate, as well as more expeditiously, and they would be relieved of a serious embarrassment as regards the disposition of fish offals, by curing on shore the fish which otherwise would have been dressed on board their vessels, and the refuse thrown overboard.

All the advantages above detailed have been secured for a period of twelve years to United States fishermen. Without them, fishing operations on many parts of the coast would be not only unremunerative but impossible; and they may therefore be fairly claimed as an important item in the valuation of the liberties granted to the United States under Article XVIII of the Treaty of Washington.

*3. Transshipping cargoes and obtaining supplies, &c.*

Freedom to transfer cargoes, to outfit vessels, buy supplies, obtain ice, engage sailors, procure bait, and traffic generally in British ports and harbors, or to transact other business ashore, not necessarily connected with fishing pursuits, are secondary privileges which materially enhance the principal concessions to United States citizens. These advantages are indispensable to the success of foreign fishing on Canadian coasts. Without such facilities, fishing operations, both inside and outside of the inshores, cannot be conducted on an extensive and remunerative scale. Under the Reciprocity Treaty, these conveniences proved very important, more particularly as respects obtaining bait and transferring cargoes. The American fishermen then came inshore everywhere along the coast, and caught bait for themselves, instead of requiring, as previously, to buy, and preserve it in ice, saving thereby much time and expense. They also transshipped their fish and returned with their vessels to the fishing-ground; thus securing two or three fares in one season. Both of these, therefore, are distinct benefits. There are other indirect advantages attending these privileges, such as carrying on fishing operations nearer the coasts, and thereby avoiding risks to life and property, as well while fishing as in voyaging homeward and back; also having always at command a convenient and commodious base of operations. They procure cheap and regular supplies without loss of time, enabling them always to send off their cargoes of fish promptly by rail and steamers to meet the current market demand for domestic consumption or foreign export, instead of being compelled to "beat up" to Gloucester or Boston with each cargo, seldom returning for a second; and it may be remarked that all their freight-business in fish from provincial ports is carried on in American bottoms, thus creating a profitable business for United States citizens.

The advantages above described of being able to make second and third full fares, undoubtedly, in most instances, double the catch which can be made in British Canadian waters by a vessel during one season, and it therefore may be reasonably estimated that it enables United States fishermen to double their profits.

*4. Formation of fishing establishments.*

The privilege of establishing permanent fishing stations on the shores of Canadian bays, creeks, and harbors, akin to that of landing to dry and cure fish, is of material advantage to United States citizens. Before the Treaty the common practice with American vessels was to take away their cargoes of codfish in a green state and to dry them at home. Those codfish caught on the banks off-shore are usually fine, well-conditioned fish, but, being cured in bulk instead of being cured or packed ashore, are of inferior value. Apart from the fishing facilities and business conveniences, thus afforded to Americans for prosecuting both the deep-sea and inshore fisheries, there are climatic advantages connected with this privilege of a peculiar nature, which attach to it a special value. It is a fact universally known and undisputed, that codfish, for example, cured on our coasts, command a much higher price in foreign markets than those cured in the United States. This is due in a great measure to the salubrity of the climate and the proximity of the fishing grounds. Permanent curing establishments ashore also enable the fishermen to obtain more frequent "fares," and the dealers to carry on the business of curing and shipping on a much more extensive and economic scale, than if their operations were conducted afloat. There are further advantages derivable from permanent establishments ashore, such as the accumulation of stock and fresh fish pre-

served in snow or ice, and others kept in frozen and fresh state by artificial freezing; also, the preservation of fish in cans hermetically sealed. The great saving of cost and of substance, and the rapid preparation of a more salable, more portable, and more nutritive article of food, which commend these improved methods of treating edible fishes to general adoption, will, undoubtedly, induce enterprising dealers to avail themselves very extensively of the remarkable opportunities which free access, and an assured footing on Canadian coasts, are calculated to afford. The broad effect of these increased facilities is to be found in the abundant and increasing supply to the American public of cheap and wholesome fish, which supply would certainly diminish or fail without the advantages secured by the Treaty of Washington.

#### 5. *Convenience of reciprocal free market.*

A reciprocal free market for any needful commodity, such as fish, entering extensively into daily consumption by rich and poor, is so manifest an advantage to everybody concerned, the producer, the freighter, the seller, and consumer alike, that the remission of Canadian duties on American-caught fish imported into Canada cannot, in our opinion, form a very material element for consideration. The benefits conferred by a cheap and abundant supply of food are evident, especially to countries where, as in the United States and Canada, the chief necessities of life are expensive, and it is so desirable to cheapen the means of living to the working classes.

#### 6. *Participation in improvements resulting from the Fisheries Protection Service of Canada.*

In addition to the statutory enactments protecting the Canadian fisheries against foreigners, and regulating participation in them by the United States citizens, under treaty stipulations, the provincial governments have for many years past applied an organized system of municipal protection and restriction designed to preserve them from injury and to render them more productive. A marked increase in their produce during the last decade attests the gratifying results of these measures.

A large number of fishery officers is employed by the Government of the Dominion in the maritime states at an annual cost of about \$75,000. This staff is actively engaged under an organized system controlled by the department of marine and fisheries, in fostering and superintending fish culture in the rivers and estuaries. Regulations are enforced for the protection of these nurseries, and considerable expense has been incurred in adapting and improving the streams for the reproduction of river fish.

The intimate connection between a thriving condition of river and estuary fishings and an abundant supply in the neighboring deep-sea fisheries has not, perhaps, as yet been sufficiently appreciated. It is, however, obvious that the supply of bait-fishes thus produced attracts the deep-sea fish in large numbers. Their resort is consequently nearer inshore than formerly, and the catch of the fishermen who have the privilege of inshore fishing is proportionately increased, while they pursue their operations in safer waters and within easier reach of supplies. In addition to the measures above described for the increase of the fisheries, special care has been devoted to the protection of the spawning-grounds of sea fishes, and the inshores now swarm with valuable fish of all kinds, which, owing to the expense incurred by the Canadian Government, are now abundant in places hitherto almost deserted.

It will also be necessary for the proper maintenance of these improvements and for the preservation of order in the fishing-grounds, as well in the interest of the United States as of the Canadian fishermen, to supplement the existing fisheries service by an additional number of

officers and men, which will probably entail an increase of at least \$100,000 on the present expenditure.

In all these important advantages produced by the restrictions and taxation imposed on Canadians, United States fishermen will now share to the fullest extent, without having as yet in any way contributed toward their cost; it may then fairly be claimed that a portion of the award to be demanded of the United States Government shall be in consideration of their participation in the fruits of additional expenditure borne by Canadians to the annual extent, as shown above, of nearly \$200,000.

#### SUMMARY.

The privileges secured to United States citizens under Article XVIII of the Treaty of Washington, which have been above described particularly and in detail, may be summarized as follows:

1. The liberty of fishing in all iusshore waters of the Dominion; the value of which shown by the kinds, quantity, and value of the fish annually taken by United States fishermen in those waters, as well as by the number of vessels, hands, and capital employed.
2. The liberty to land for the purpose of drying nets and curing fish, a privilege essential to the successful prosecution of fishing operations.
3. Access to the shores for purposes of bait, supply, &c., including the all-important advantage of transferring cargoes, which enables American fishermen to double their profits by securing two or more full fares during one season.
4. Participation in the improvements resulting from the fisheries service maintained by the Government of the Dominion.

The above privileges may be considered as susceptible of an approximate money valuation, which it is respectfully submitted should be assessed as well with reference to the quantity and value of fish taken, and the fishing-vessels and fishermen employed, as to other collateral advantages enjoyed by United States citizens.

It has been stated in the preceding portions of this chapter that an average number of at least 1,000 United States vessels annually frequent British Canadian waters. The gross catch of each vessel per trip has been estimated at \$5,600, a considerable portion of which is net profit, resulting from the privileges conferred by the treaty.

These privileges profitably employ men and materials representing in industrial capital several millions of dollars; the industries to the advancement of which they conduce support domestic trade and foreign commerce of great extent and increasing value; they also serve to make a necessary and healthful article of food plentiful and cheap for the American nation. It is not merely the value of "raw material" in fish taken out of British Canadian waters which constitutes a fair basis of compensation; the right of this fishery was an exclusive privilege, the sole use of which was highly prized, and for the common enjoyment of which we demand equivalents to be measured by our just estimation of its worth; we enhance the main concession on this point by according kindred liberties and indispensable facilities, all of which are direct advantages; and, in order to illustrate the assessable value of the grant, we adduce certain data relating to the number of United States fishing-vessels more immediately interested, and the gross quantity and value of their catch in British Canadian waters.

In addition to the advantages above recited, the attention of the Commissioners is respectfully drawn to the great importance attaching to the beneficial consequences to the United States of honorably acquiring

for their fishermen full freedom to pursue their adventurous calling without incurring constant risks, and exposing themselves and their fellow-countrymen to the inevitable reproach of willfully trespassing on the rightful domain of friendly neighbors. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

It was repeatedly stated by the American members of the Joint High Commission at Washington, in discussing proposals regarding the Canadian fisheries, "that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation." This commendable desire evidently was reciprocated by the British Commissioners in assenting to the proposition that the matter of disagreement as regards a money equivalent "should be referred to an impartial Commission." It should not be lost sight of that an offer for the reciprocal free admission of coal, salt, fish, and lumber had previously been made by the United States Commissioners, "entirely in the interest of a peaceful settlement," but was declined by the British Commissioners as inadequate. It is now shown that the contention of the British Commissioners regarding the "great value" of these fisheries was well founded, and that the privileges subsequently accorded by the Treaty of Washington as in part compensatory are of no appreciable value.

It must be admitted, therefore, that the concessions made by Great Britain in the interests of American fishermen, quite irrespective of their commercial value, are indeed extremely valuable to the United States. Probably it will be said that in this respect there is an international gain. But it seems impossible for British subjects, if unmolested in their rights and privileges, to occasion any such irritation as the United States Commissioners expressed their anxiety to avoid. The provocation would be confined entirely to foreign intruders seeking their own gains at the cost and injury of British fishermen, thereby, perhaps, involving both nations in serious difficulties and incalculable expense. The duty (with its attendant cost) of guarding against any such vexations on the part of United States citizens devolves solely on the American Government. If, to avoid the onerous responsibility of fulfilling it, and at the same time to secure for the inhabitants and trade of the country the concurrent use of these valuable privileges, the Government of the United States requires to pay fair equivalents, it certainly cannot be expected that Great Britain would abate the just estimation placed on them because of a mere assertion by the United States as beneficiary "that their value is overestimated," or that any further measure of concession is due to international amity. Great Britain claims to have fully reciprocated the desire expressed by the United States Commissioners; and being in possession of proprietary rights of special importance and value to herself, the mutual enjoyment of which was voluntarily sought on behalf of United States citizens, we are justified in asking the present Commission to consider these circumstances in determining the matter thus referred to equitable assessment under the present treaty.

### CHAPTER III.—*Advantages derived by British subjects.*

#### 1. *Liberty of fishing in United States waters and other privileges connected therewith.*

The privileges granted to British subjects by Article XIX of the

Treaty of Washington are the same right of fishing and landing for purposes connected with fishing in United States waters, north of the 39th parallel of north latitude, as are granted to United States citizens in British North American waters. It may, at the outset, be stated that this concession is absolutely valueless.

That the several kinds of sea fishes formerly abundant on the northeastern sea-coasts of the United States have not merely become very scarce, but are in some localities almost extinct, is an unquestionable fact. An exhaustive investigation into the causes of their decline was commenced in 1871 by Professor Baird, the chief of the United States Fisheries Commission, and is still in progress. This eminently thorough and scientific investigator reports, substantially, that the failing supply of edible coast fishes is mainly due to overnetting and incessant fishing by other means. These causes, joined to continuous havoc made by predaceous fishes, have considerably exhausted the coast fisheries along the southern and northeastern seaboard of the United States. The Fishery Commissioners of the State of Maine, in their reports for 1872-'74, indorse the official statements of the Federal Commissioner, that the sea fishes on the coasts of New England have "almost entirely disappeared," and that "the people are obliged to resort to far-distant regions to obtain the supply which formerly could be secured almost within sight of their homes."

The following extracts from Professor Baird's report, published in 1873, are conclusive:

In view of the facts adduced in reference to the shore fisheries, there can be no hesitation in accepting the statement that there has been an enormous diminution in their number, although this had already occurred to a considerable degree, with some species, by the beginning of the present century.

The testimony everywhere, with scarcely an exception, both from line-men and trappers, was that the whole business of fishing was pretty nearly at an end, and that it would scarcely pay parties to attempt to continue the work on a large scale in 1873.

When the above statements are fairly considered, and when we also consider that the only remedy for this state of decline is to diminish the numbers and restrict the catchment powers of fishing-engines in use, it is highly improbable that any foreigner will resort to these waters for fishing purposes.

In a geographical sense, the fishery grounds thus formally opened to British subjects comprise about 2,000 square miles, distant and unproductive, and which, for these and other reasons, are practically unavailable to the British fisherman. It is shown above that the best United States authorities concur in opinion that these fisheries are rapidly becoming exhausted, affording scarcely remunerative employment for American fishermen, who have been themselves obliged to abandon these grounds and resort in large numbers to the more productive waters of Canada. It is as impossible to conceive in theory that British fishermen should forsake their own abundant waters to undertake a long and arduous voyage to those distant and unremunerative fisheries, as it is an undisputed matter of fact that they do not, and, in all probability, never will do so.

A similar concession embodied in the Reciprocity Treaty of 1854, which embraced three degrees more in a southerly direction, extending along the coasts of Delaware, Maryland, Virginia, and part of North Carolina, to the thirty-sixth parallel of north latitude, proved, during the twelve years it existed, of no practical value whatsoever, not a single British fisherman having utilized it.

The question of bait must now be considered, as some importance may

perhaps be attached by the United States to the supposed advantages derived in this respect by British subjects. It might appear, at first sight, that the privilege of resorting to the inshores of the Eastern States to procure bait for mackerel fishing was of practical use. Menhaden are said to be found only in United States waters, and are used extensively in the mackerel fishing, which is often successfully pursued with this description of bait, especially by its use for feeding and attracting the shoals. It is, however, by no means indispensable; other fish-baits, plentiful in British waters, are quite as successfully used in this particular kind of fishing business, and very generally in other branches, both of deep-sea and inshore fishing, as, for example, fresh herrings, alewives, capelin, sandlaunce, smelts, squids, clams, and other small fishes caught chiefly with seines close inshore. British fishermen can thus find sufficient bait at home, and can purchase from American dealers any quantities they require much cheaper than by making voyages to United States waters in order to catch it for themselves. It is a remarkable fact that for six years past American fishermen have bought from Canadians more herring bait alone than all the menhaden bait imported into Canada during the same period. The menhaden bait itself can also be bred and restored to places in the Bay of Fundy, on the western coast of Nova Scotia, where it existed up to the time of its local extermination.

It is notorious that the supply both of food and bait fishes has become alarmingly scarce along the United States coast. At Gloucester alone some thirty vessels are engaged during about six months in each year catching menhaden for bait. They sell about \$100,000 worth annually, and, by catching them immoderately in nets and weirs for supplying bait and to furnish the oil-mills, they are rapidly exterminating them. The Massachusetts Fishery Commissioners, in their report for 1872, state that "It takes many hands working in many ways to catch bait enough for our fishing fleet, which may easily be understood when it is remembered that each George's man takes fifteen or twenty barrels for a trip; and that each mackereler lays in from 75 to 120 barrels, or even more than that." One of the principal modes for the capture of bait and other fishes on the New England coast is by fixed traps or pounds on the shore. By means of these, herrings, alewives, and menhaden are caught as bait for the sea fishery, besides merchantable fish for the markets, and the coarser kinds for the supply of the oil factories. There are upward of sixty of these factories now in operation on the New England coast. The capital invested in them approaches \$3,000,000. They employ 1,197 men, 383 sailing-vessels, and 29 steamers, besides numerous other boats. The fish material which they consume yearly is enormous, computed at about 1,191,100 barrels, requiring whole fishes to the number of about 300,000,000. These modes of fishing for menhaden and other bait are furthermore such as to preclude strangers from participating in them without exceeding the terms of the treaty; and even without this difficulty, it must be apparent that such extensive native enterprises would bar the competition and suffice to insure the virtual exclusion of foreigners.

The attention of the Commissioners is therefore respectfully drawn to the following points:

1. The "sea fishery" is distant and unproductive.
2. The inshores are occupied to the fullest possible extent, and the supply, especially in the matter of bait, is rapidly becoming exhausted.
3. British fishermen have not, either during the Reciprocity Treaty or the Treaty of Washington, availed themselves of the freedom of fishing in the United States waters.

A careful consideration of these points will, we believe, lead to conviction that in this respect no advantage whatever accrues to British subjects. 55

### *2. Customs remissions by the United States in favor of Canada.*

The privilege of a free market in the United States for the products of the fisheries of the Dominion of Canada, excepting fish of the inland lakes and tributary rivers, and fish preserved in oil, remains to be considered. It forms the only appreciable concession afforded by the treaty for the right of free fishery in British waters, and the collateral advantages derived by United States citizens. We have already adverted in paragraph 5 of chapter 2 of this Case to the mutual benefit of reciprocal free market for fish. This is so clearly an advantage to concerned, and particularly to the nation comprising the largest number of fishermen, traders, and consumers, that it cannot be contended that in this respect any advantage is conceded to Canada which is not anticipated in by the United States.

### CONCLUSION.

For these and other reasons Her Majesty's Government, for the cession of these privileges in respect of the Dominion of Canada, claim over and above the value of any advantages conferred on British subjects under the Fishery Articles of the Treaty of Washington, a sum of \$12,000,000, to be paid in accordance with the terms of the treaty.

### PART II.—NEWFOUNDLAND.

#### CHAPTER I.—*Introduction and description of Newfoundland fisheries.*

It has been already submitted, on page 15 of the introductory portion of this case, that the following basis is the only one which it is possible to adopt under the terms of the first part of Article XVIII of the Treaty of Washington, 1871, namely, that the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of the treaty, which were not enjoyed under the 1st Article of the Convention of the 20th of October, 1818, is that which this Commission is constituted to determine.

The position occupied by Newfoundland in regard to the right of fishing enjoyed by the United States citizens on her coasts is, however, many points distinct from that of Canada, and it is desirable to ascertain precisely how the case stands.

By Article I of the Convention of 1818 the inhabitants of the United States acquired "forever the liberty to take fish of every kind on the part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, and along all the coasts, bays, harbors, and creeks from Mount Joly, on the south coast of Labrador, to and through the Straits of Belle-Isle, and thence northwardly indefinitely along the coast, and the liberty forever to land and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, or the coast of Labrador; but so soon as the same, or any part thereof, shall be settled, it shall not be lawful for the said fishermen to land and cure fish at such portions so settled without previous agreement on such purpose with the inhabitants, proprietors, or possessors of the ground; and the United States renounced forever any liberty by

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fore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the United States fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever; but they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein or in any other matter whatever abusing the privileges hereby reserved to them."

In addition to the privileges so enjoyed under the Convention of 1818, Articles XVIII and XXI of the Treaty of Washington granted to United States citizens:

(1.) The liberty to take fish of every kind, except shell-fish, on the remaining portion of the coast of Newfoundland, with liberty to land on the said coast for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the said purpose; the salmon and shad fisheries and all other fisheries in rivers and mouths of rivers being reserved exclusively for British fishermen.

(2.) The admission into Newfoundland of fish-oil and fish of all kinds, except fish of the inland lakes and rivers falling into them, and except fish preserved in oil, being the produce of fisheries of the United States, free of duty.

The enjoyment of these privileges to continue for the period of twelve years certain.

In return for the privileges so granted to United States citizens, British subjects acquired under the same treaty—

1. Similar rights of fishing and landing on United States coasts north of the 39th parallel of north latitude; and,

2. The admission into the United States of fish-oil and fish of all kinds, except fish preserved in oil, being the produce of the fisheries of Newfoundland, free of duty.

These privileges are also to continue for a period of twelve years certain.

A reference to the accompanying map will show that the coast, the entire freedom of which for fishing purposes has thus been acquired by the United States for a period of twelve years, embraces that portion extending from the Rameau Islands on the southwest coast of the island eastward and northwardly, to the Quirpon Islands. This coast contains an area of upwards of 11,000 square miles, including admittedly the most valuable cod-fisheries in the world. Fish of other descriptions, namely, herring, capelin, and squid, which are by far the best bait for the successful prosecution of the cod-fisheries, can be taken in unlimited quantities close inshore along the whole coast, whilst in some parts are turbot, halibut, and lance.

The subjoined tables (Appendix B) of the exports of fish from Newfoundland for the past seven years will show the enormous and increasing value of these fisheries; and the census returns also annexed (Appendix C) afford the clearest evidence that the catch is very large in proportion to the number of men, vessels, and boats engaged in fishing operations on the coasts of Newfoundland, which have been thrown open to United States citizens under the Treaty of Washington.

In addition to the value, as shown above, of the inshore fisheries, the proximity of the Bank fisheries to the coast of Newfoundland forms a

very important element in the present inquiry. These fisheries are situated at distances varying from 35 to 200 miles from the coast of Newfoundland, and are productive in the highest degree. Although they are open to vessels of all nations, their successful prosecution depends almost entirely in securing a commodious and proximate basis of operations. Bait, which can be most conveniently obtained in the inshore waters of Newfoundland, is indispensable, and the supply of capelin, squid, and herring is there inexhaustible for this purpose.

With reference to the importance which has from earliest times been attached to the value of the fisheries of Newfoundland, it is to be observed that a great portion of the articles in the treaties of 1783 and 1818 between Great Britain and the United States is devoted to careful stipulations respecting their enjoyment; and it will not escape the observation of the Commissioners that the privileges granted to United States fishermen in those treaties were always limited in extent, and did not confer the entire freedom for fishing operations which is now accorded by the Treaty of Washington, even on those portions of the coast which were then thrown open to them. Thus, whilst according the privilege of fishing on certain portions of the coast, the treaty of 1783 denied the right of landing to dry and cure on the shore, and the result was that, so far as concerned dried codfish, the concession to the United States was of little or no advantage to them. It was indispensable to the production of a superior article of dried codfish that there should be a speedy landing and curing in a suitable climate. The climate of the United States is not adapted for this purpose, whilst that of Newfoundland is peculiarly suitable. This fact is evidenced by the United States having never competed with Newfoundland in foreign markets in the article of dried codfish, whilst they were debarred from landing on Newfoundland shores. Again, it is necessary for the prosecution of the fisheries, with reasonable prospects of lucrative results, that the fishermen should be in proximity to their curing and drying establishments.

The treaty of 1783 was annulled by the war of 1812, and the stipulations of Article I of the Convention of 1818, quoted *in extenso* on page 4\* of this case, made important modifications in the privileges heretofore enjoyed by United States fishermen. Although they had, under this convention, the liberty of drying and curing fish upon the southern coast of Newfoundland from the Rameau Island to Cape Ray, it was confined to the unsettled bays, harbors, and creeks within these limits, and, it being provided that so soon as any portion thereof should be settled, the liberty should cease, the fishermen of the United States have been prevented, by the coast becoming generally settled, from availing themselves of the liberty so conceded. Previously, therefore, to the Treaty of Washington, United States fishermen did not interfere with the Newfoundland fishermen as regards the article of dried codfish, although they prosecuted the herring-fishery at Bonne Bay and Bay of Islands on the western coast.

The question of the privileges of fishing on certain portions of the Newfoundland shores enjoyed by French fishermen does not come within the scope of this Commission, yet a passing allusion may be made to it. These privileges consist in the freedom of the inshore fisheries from Cape Ray northwardly to Quirpon Islands, and from thence to Cape John, on parallel 50° of north latitude; and the value attached to this right by the French Government is attested by their solicitude in main-

\* Page 80 of this edition.

taining it, and by the amount of French capital embarked in the prosecution of these fisheries. This affords another proof of the productiveness of the waters of the island.

### CHAPTER II.—*Advantages derived by United States citizens.*

It will not be a matter of surprise that there should be an absence of exact statistical information when the facts are taken into consideration that, until the Washington Treaty, this vast extent of fishery was exclusively used by the people of Newfoundland—sparsely scattered over a long range of coast, for the most part in small settlements, between the majority of which the only means of communication is by water, and where, up to the present time, there was no special object in collecting statistical details. It is proposed, however, to show, by such evidence as will, it is believed, satisfy the Commissioners, the nature and value of the privileges accorded to the citizens of the United States under the Treaty of Washington. These may be conveniently divided into three heads, as follows:

- I. The entire freedom of the inshore fisheries.
- II. The privilege of procuring bait, refitting, drying, transshipping, and procuring supplies.
- III. The advantage of a free market in Newfoundland for fish and fish-oil.

The privileges granted in return to British subjects will be treated subsequently, and consist of—

1. The liberty of prosecuting fishing operations in United States waters north of the 39th parallel of north latitude; and,
2. The advantages of a free market in the United States for fish and fish-oil.

#### *I. The entire freedom of the inshore fisheries.*

Newfoundland, from that part of its coast now thrown open to United States fishermen, yearly extracts, at the lowest estimate, \$5,000,000 worth of fish and fish-oil, and when the value of fish used for bait and local consumption for food and agricultural purposes, of which there are no returns, is taken into account, the total may be fairly stated at \$6,000,000 annually.

It may possibly be contended on the part of the United States that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the Bank fishery. This may up to the present time, to some extent, be true as regards codfish, but not as regards herring, tarbot, and halibut. It is not at all probable that, possessing as they now do the right to take herring and capelin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment which formerly occupied them during a portion of the winter season for the supply of the United States market.

The words of the Treaty of Washington, in dealing with the question of compensation, make no allusion to what use the United States may or do make of the privileges granted them, but simply state that, inasmuch as it is asserted by Her Majesty's Government that the privileges accorded to the citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to the

subjects of Her Britannic Majesty, and this is not admitted by the United States, it is further agreed that a Commission shall be appointed, having regard to the privileges accorded by the United States to Her Britannic Majesty's subjects in Articles Nos. XIX and XXI, the amount of any compensation to be paid by the Government of the United States to that of Her Majesty in return for the privileges accorded to the United States under Article XVIII.

It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that United States fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so, it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

There is a marked contrast, to the advantage of the United States citizens, between the privilege of access to fisheries the most valuable and productive in the world, and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the thirty-ninth parallel of north latitude, in which there is no field for lucrative operations even if British subjects desired to resort to them; and there are strong grounds for believing that year by year, as United States fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact, United States vessels have, since the Washington Treaty came into operation, been successfully engaged in these fisheries; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States fishermen will engage in them.

A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States demand for the bank fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of overfishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen.

II.—*The privilege of procuring bait and supplies, refitting, drying, transshipping, &c.*

Apart from the immense value to United States fishermen of participation in the Newfoundland inshore fisheries, must be estimated the important privilege of procuring bait for the prosecution of the bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., an almost continuous prosecution of the bank fishery is secured to them. By means of these advantages United States fishermen have acquired, by the Treaty of Washington, all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States markets, and largely to furnish the other fish-markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. It must be remembered, in contrast with the foregoing, that United States fishing craft, before the conclusion of the Treaty of Washington, could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, *and for no other purpose whatever*; they therefore prosecuted the bank fishery under great disadvantages, notwithstanding which, owing to the failure of the United States local fisheries, and the consequent necessity of providing new fishing grounds, the bank fisheries have developed into a lucrative source of employment to the fishermen of the United States. That this position is appreciated by those actively engaged in the bank fisheries is attested by the statements of competent witnesses, whose evidence will be laid before the Commission.

It is impossible to offer more convincing testimony as to the value to United States fishermen of securing the right to use the coast of Newfoundland as a basis of operations for the bank fisheries than is contained in the declaration of one who has been for six years so occupied, sailing from the ports of Salem and Gloucester, in Massachusetts, and who declares that it is of the greatest importance to United States fishermen to procure from Newfoundland the bait necessary for those fisheries, and that such benefits can hardly be overestimated; that there will be, during the season of 1876, upwards of 200 United States vessels in Fortune Bay for bait, and that there will be upwards of 300 vessels from the United States engaged in the Grand Bank fishery; that owing to the great advantage of being able to run into Newfoundland for bait of different kinds, they are enabled to make four trips during the season; that the capelin, which may be considered as a bait peculiar to Newfoundland, is the best which can be used for this fishery, and that a vessel would probably be enabled to make two trips during the capelin season, which extends over a period of about six weeks. The same experienced deponent is of opinion that the bank fisheries are capable of immense expansion and development, and that the privilege of getting bait on the coast of Newfoundland is indispensable for the accomplishment of this object.

As an instance of the demand for bait supplies derived from the Newfoundland inshore fisheries, it may be useful to state that the average amount of this article consumed by the French fishermen, who only prosecute the Bank fisheries during a period of about six months of the year, is from \$120,000 to \$160,000 annually. The herring, capelin, and

squid amply meet these requirements and are supplied by the people of Fortune and Placentia Bays, the produce of the Islands of St. Pierre and Miquelon being insufficient to meet the demand.

It is evident from the above considerations that not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them for the successful prosecution of the Bank fisheries, but also that they are enabled, through the privileges conceded to them by the Treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise. This substantial advantage is secured at the risk, as before mentioned, of hereafter depleting the bait supplies of the Newfoundland inshores, and it is but just that a substantial equivalent should be paid by those who profit thereby.

We are therefore warranted in submitting to the Commissioners that not only should the present actual advantages derived on this head by United States fishermen be taken into consideration, but also the probable effect of the concessions made in their favor. The inevitable consequence of these concessions will be to attract a larger amount of United States capital and enterprise following the profits already made in this direction, and the effect will be to inflict an injury on the local fishermen, both by the increased demand on their sources of supply and by competition with them in their trade with foreign markets.

### *III.—The advantage of a free market for fish and fish-oil in Newfoundland.*

It might at first sight appear from the return of fish exports from the United States to Newfoundland that this privilege was of little or no value; indeed, the duties when collected on this article were of insignificant amount. There is, however, an important benefit conferred by it on United States fishermen engaged in the Bank fisheries. In fishing on the banks and deep-sea, heretofore large quantities of small fish were thrown overboard as comparatively useless, when large fish, suitable for the United States market, could be obtained in abundance; this practice was highly prejudicial to the fishing grounds.

Under the Washington Treaty, two objects are attained: first, a market for the small fish at remunerative prices in Newfoundland; and secondly, the preservation of the fishing grounds.

It is evident that, although at the present time United States fishermen have been in enjoyment of the privileges conferred by the Treaty of Washington only for a short period, and may not have availed themselves to the full extent of this privilege, the actual profits derived thereby, and which, in certain instances, will be substantiated before the Commissioners by the evidence of competent witnesses, will be more fully appreciated during the remaining years of the existence of the right, and this item must form a part of the claim of Newfoundland against the United States.

### *CHAPTER III.—Advantages derived by British subjects.*

Having now stated the advantages derived by United States fishermen under the operation of the Treaty of Washington, it remains to estimate the value of the privileges granted thereby in return to the people of Newfoundland.

In the first place, the value of the right of fishing on the United States coast conceded to them must be considered. This consists in,

the liberty of fishing operations, with certain exceptions already set forth, on that part of the United States coast north of the 39th parallel of north latitude.

The arguments on this head contained in section 1 of chapter 3, in the "case" of Canada, will, it is believed, have satisfied the Commissioners that no possible benefit can be derived by the fishermen of Newfoundland in this respect. Indeed, all that has been said with regard to Canada applies with even greater force to the more distant colony of Newfoundland. Evidence has, however, been collected, and will be laid before the Commissioners, if required, to prove that no fishermen from Newfoundland resort to United States waters for fishing operations.

Second, and finally, the remission of the duty by the United States on Newfoundland exports of fish and fish-oil must be taken into account, and this, no doubt, will be viewed as the most important item of set-off to the privileges conferred on United States citizens.

This privilege is, however, reciprocal, and enables the people of the United States to dispose of their fish in Newfoundland markets. When the comparatively small export of Newfoundland fish and fish-oil to the United States is taken into consideration, the amount of duty remitted thereon is so insignificant that it could not, under any circumstances, be entertained as an offset for a participation in the privileges accorded under Article XVIII of the Treaty of Washington.

The tables annexed (Appendix D) will show not only the small amount of exports of this article from Newfoundland to the United States, but also the large and increasing trade with other countries. Even if a prohibitory duty were imposed in the United States on exports of fish from Newfoundland, it would be a matter of small moment to that colony, which would readily find a profitable market for the small quantities of fish which would otherwise be exported in that direction.

Again, upon an article so largely consumed as fish is in the United States, a remission of duty must be admitted to be a benefit to the community remitting the duty, as in reality it relieves the consumer, while it affords no additional remuneration to the shipper; and this, as a matter of fact, has been particularly the case as regards Newfoundland fish shipments to the United States.

The opening up of the fishing-grounds in Newfoundland, and their bait-supply to United States enterprise, enables the people of that country to meet the demand for fish-food in their markets; already an appreciable falling off has taken place in the exports to that country of Newfoundland-caught fish (which has always been very limited), and which, it may not unreasonably be supposed, will soon cease, owing to the extension of United States fishing enterprise.

#### CONCLUSION.

It has thus been shown that under the Treaty of Washington there has been conceded to the United States—

First. The privilege of an equal participation in a fishery vast in area, teeming with fish, continuously increasing in productiveness, and now yielding to operatives, very limited in number when considered with reference to the field of labor, the large annual return of upwards of \$6,000,000, of which 20 per cent. may be estimated as net profit, or \$1,200,000.

It is believed that the claim on the part of Newfoundland in respect of this portion of the privileges acquired by United States citizens un-

der the Treaty of Washington will be confined to the most moderate dimensions when estimated at one-tenth of this amount, namely, \$120,000 per annum, or, for the twelve years of the operation of the treaty, a total sum of \$1,440,000.

Secondly. There has also been conceded to the United States the enormous privilege of the use of the Newfoundland coast as a basis for the prosecution of those valuable fisheries in the deep sea on the banks of that island capable of unlimited development, and which development must necessarily take place to supply the demand of extended and extending markets. That the United States are alive to the importance of this fact, and appreciate the great value of this privilege, is evidenced by the number of valuable fishing-vessels already engaged in this branch of the fisheries.

We are warranted in assuming the number at present so engaged as at least 300 sail, and that each vessel will annually take, at a moderate estimate, fish to the value of \$10,000. The gross annual catch made by United States fishermen in this branch of their operations cannot, therefore, be valued at less than \$3,000,000, and of this at least 20 per cent., or \$600,000 per annum, may fairly be reckoned as net profit; of this profit Newfoundland is justified in claiming one-fifth as due to her for the great advantages derived by the United States fishermen under the Treaty of Washington of securing Newfoundland as a basis of operations and a source of bait-supply indispensable to the successful prosecution of the Bank fisheries. An annual sum of \$120,000 is thus arrived at, which, for the twelve years of the operation of the treaty would amount to \$1,440,000, which is the sum claimed by Her Majesty's Government on behalf of Newfoundland in this respect.

In conclusion, for the concession of the privileges shown above, Her Majesty's Government claim, in respect of the colony of Newfoundland, over and above any alleged advantages conferred on British subjects under the fishery articles of the Treaty of Washington, a gross sum of \$2,880,000, to be paid in accordance with the terms of the treaty.

#### SUMMARY.

In Part I of this case, the claim of Her Majesty's Government in respect of the Dominion of Canada has been stated at a sum of \$12,000,000; their claim in respect of the colony of Newfoundland has been stated in Part II at a sum of \$2,880,000—or a gross total of \$14,880,000—which is the amount which they submit should be paid to them by the Government of the United States, under the provisions of Article XXII of the Treaty of Washington of the 8th May, 1871.

FISHERY COMMISSION UNDER THE TREATY OF WASHINGTON OF MAY 8, 1871.

(Appendix to Case of Her Majesty's Government.)

APPENDIX A.—Table of the aggregate quantities and values of fish, the produce of Canadian fisheries in the Provinces of Nova Scotia, New Brunswick, and Quebec, from 1860 to 1875, and in Prince Edward Island since its entry into confederation in 1874.

[Compiled from Departmental Fishery Reports for the above-named years.]

Kinds of fish.	1860.			1870.			1871.			1872.		
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Codfish	510,336	\$1,690,141.00	572,673	\$2,217,777.00	671,437	\$2,571,271.00	824,411	\$3,490,192.00				
Do	996,981	1,077,668.00	9,340	5,850.00	1,566	3,139.00	—	—				
Herring, smoked	166,879	68,319.50	942,630	914,131.00	378,824	1,301,943.00	277,858	1,118,725.00				
Herring, fresh			73,745	113,337.50	12,435	1,823,75	606,705	151,677.00				
Mackerel			1,600	6,400.00								
Do	51,011	530,110.00	92,183	1,092,658.00	140,315	1,346,888.00	911,139	1,865,110.00				
Pounds					94,928	3,634.00	35,629	4,043.00				
Cans							50,500	6,060.00				
Haddock	3,086	8,344.10			3,613	11,439.00	1,190	1,588.00				
Do	1,373	6,860.00			1,747	7,865.00	106	530.00	343	7,115.00		
Herring					94,000	12,000.00	75,000	4,500.00	40,000	4,800.00		
Halibut							13,600	38,000.00				
Do							9,468	14,340.00	5,487	97,485.00		
Pollack	8,167	36,301.00			560	1,650.00	1,050	3,150.00	19,931	39,783.00		
Do									94,089	73,929.00		
Hake	1,410	4,933.00			330	990.00	90,180	60,540.00	37,443	112,336.00		
Do									89,214	267,632.00		
Flounders	200	2,000.00										
Do	7,662	106,320.00	15,613	201,653.50	7,671	80,073.00						
Pounds			809,375	128,505.00	2,017,484	302,624.00	1,543,363	8,905				
Number	19,331	19,341.00	2,300	550.00	540	135.00						
Barrels	148	1,485.00	245	246.00								
Cans												
Barrels	11,692	31,656.00	39,942	137,347.00	86,970	1,758.00	—	—				
Do	6,188	18,364.00	11,497	98,192.00	81,702	35,925	34,708	104,134.00				
Number	73,601	5,495.55	16,849	1,634,90	15,863	52,334.00	19,960	5,938	5,938	504.00		
Barrels					96,359	2,615.90	6,000	1,986.00				
Flannan haddies							3,806	68,060.00				
Doels							6,960	8,960	152,320.00			
Do							106,459	16,945.90	16,459	343,965.90		
Scallop							119,539	119,539				

**APPENDIX A.—Table of the aggregate quantities and values of fish, &c.—Continued.**

## AWARD OF THE FISHERY COMMISSION.

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APPENDIX A.—Table of the aggregate quantities and values of fish, &amp;c.—Continued.

Kinds of fish.	1873.			1874.			1875.			Total.		
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Total.
Codfish	850, 824	\$2,765, 617.75	707, 847.43	\$2,592, 019.25	748, 755	\$2,535, 877.53	5, 006, 292.50	\$204, 484.53	5, 006, 292.50	\$204, 484.53	5, 006, 292.50	\$204, 484.53
Do	307, 045	1,183, 410.10	308, 080	1,325, 607.00	300, 228	1,350, 008.64	2, 902, 725	8, 958.00	3, 900	8, 958.00	3, 900	8, 958.00
Herring, smoked	521, 036	130, 271.50	454, 369	113, 539.25	642, 000	160, 500.00	2, 480, 050	712, 341.25	2, 480, 050	712, 341.25	2, 480, 050	712, 341.25
Herring, fresh									1, 600	6, 400.00	1, 600	6, 400.00
Mackerel									90	100.00	90	100.00
Do	150, 404	1,504, 040.00	161, 096	1,559, 551.00	192, 651.14	1,926, 545.00	840, 192.54	8, 907, 676.82	840, 192.54	8, 907, 676.82	840, 192.54	8, 907, 676.82
Do	81, 650	3, 157.00	59, 000	8, 850.00	38, 950	5, 997.00	177, 938	52, 680.00	177, 938	52, 680.00	177, 938	52, 680.00
Do	10, 842	1,946.30	80, 300	12, 069.00	21, 400	5, 210.00	163, 908	52, 631.00	163, 908	52, 631.00	163, 908	52, 631.00
Haddock									7, 050	7, 414	7, 050	7, 414
Do	479	9, 365.00	941	1,945.00	136	630.00	7, 414	21, 310.00	7, 414	21, 310.00	7, 414	21, 310.00
Do	1,892, 736	113, 563.56	4, 104, 532	916, 271.92	4, 695, 928	981, 735.68	10, 802.16	10, 802.16	10, 802.16	10, 802.16	10, 802.16	10, 802.16
Do									94, 000	12, 040.00	94, 000	12, 040.00
Halibut									12, 050	26, 000.00	12, 050	26, 000.00
Do									12, 050	26, 000.00	12, 050	26, 000.00
Herring									12, 050	26, 000.00	12, 050	26, 000.00
Barrels	458	2,360.00	313	1,673.00	301	1,306.00	1,306	66	12, 151	63, 359.00	12, 151	63, 359.00
Poulties	663, 435	38, 746.10	508, 975	25, 336.50	573, 015	34, 410.90	824, 735	109, 513.50	824, 735	109, 513.50	824, 735	109, 513.50
Pollack	18, 396	64, 396.50	10, 339	36, 866.50	5, 930	5, 930	30, 120	50	30, 120	50	30, 120	50
Do	25, 350	68, 725.00	24, 255	84, 562.50	38, 771	125, 698.50	118, 475	381, 613.00	118, 475	381, 613.00	118, 475	381, 613.00
Shake	25, 733	90, 065.50	26, 925	101, 927.50	26, 817	104, 330.50	143, 827	174, 452.50	143, 827	174, 452.50	143, 827	174, 452.50
Do	44, 341	115, 126.50	42, 552	149, 928.00	16, 685	158, 397.50	163, 072	145, 000	163, 072	145, 000	163, 072	145, 000
Flounders									260	2, 600.00	260	2, 600.00
Salmon, in ice									56	567.50	56	567.50
Salmon, fresh									56	567.50	56	567.50
Salmon, smoked									1, 501	1, 501.00	1, 501	1, 501.00
Do									1, 501	1, 501.00	1, 501	1, 501.00
Salmon, preserved									1, 501	1, 501.00	1, 501	1, 501.00
TROUT									1, 501	1, 501.00	1, 501	1, 501.00
Alewives									1, 501	1, 501.00	1, 501	1, 501.00
Silds									1, 501	1, 501.00	1, 501	1, 501.00
Do									1, 501	1, 501.00	1, 501	1, 501.00
Finnan haddie									1, 501	1, 501.00	1, 501	1, 501.00
Reds									1, 501	1, 501.00	1, 501	1, 501.00
Do									1, 501	1, 501.00	1, 501	1, 501.00
Salepah									1, 501	1, 501.00	1, 501	1, 501.00
Reas									1, 501	1, 501.00	1, 501	1, 501.00
Smelts									1, 501	1, 501.00	1, 501	1, 501.00
Do									1, 501	1, 501.00	1, 501	1, 501.00
Oysters									1, 501	1, 501.00	1, 501	1, 501.00
									1, 501	1, 501.00	1, 501	1, 501.00

## **AWARD OF THE FISHERY COMMISSION.**

**APPENDIX A.—Table of the aggregate quantities and values of fish, &c.—Continued.**

APPENDIX B.—*Return showing the quantities and values of the undermentioned articles exported from Ports between Rameau Islands to Cape Race and thence north to Trinitygate inclusive, for the years 1868, 1869, 1870, 1871, 1872, 1873, and 1874.*

Years.	Dried codfish.		Green codfish.		Herring.		Cod oil.		Refined cod oil.		Cod roes.		Cod sounds and tongues.	
	Quintals.	Values.	Quintals.	Values.	Barrels.	Values.	Tons.	Values.	Tons.	Values.	Barrels.	Values.	Packages.	Values.
1868.....	820,340	\$2,905,980	1,518	\$3,036	50,537	\$151,671	2,754	\$36,550	224	\$36,000	1,084	\$2,168	500	\$500
1869.....	791,339	3,165,536	1,321	\$2,129	46,340	139,026	3,987	\$34,720	324	\$1,000	844	\$3,376	382	388
1870.....	915,396	3,476,504	1,321	\$2,129	43,827	118,359	3,441	\$50,958	413	107,360	1,081	4,324	979	979
1871.....	928,016	3,586,460	19	30	61,468	147,506	4,707	\$68,344	889	61,355	1,885	5,685	135	135
1872.....	847,337	3,268,348	48	48	40,162	150,486	3,659	\$59,250	921	44,900	857	6,856	66	66
1873.....	983,193	3,538,484	18	27	33,638	70,536	3,681	\$15,340	321	64,900	856	2,568	115	115
1874.....	1,183,020	4,495,760	6	9	35,645	90,275	2,734	\$37,440	921	50,918	1,126	3,376	158	158
Total .....	94,497,912	2,940	5,379	311,615	837,865	25,106	3,650,852	2,050	44,933	7,743	98,355	1,625	1,625	
Average .....	3,995,687	490	754	44,516	119,683	3,569	581,550	268	63,562	1,106	4,051	223	223	223

*Return of the quantities and values of the undermentioned articles exported from ports in Newfoundland, from Rameau Islands east to Cape Race, thence north to Tilt Cove, showing the countries to which they were exported for the years 1868, 1869, 1870, 1871, 1872, 1873, and 1874.*

Articles and countries to which exported.	1868.	1869.	1870.	1871.	1872.	1873.	1874.
Fish, dried cod, quintals—							
United Kingdom.....	78,861	75,849	8038,396	97,325	\$369,560	53,673	\$803,957
British West Indies.....	384,041	288,600	866,400	76,011	866,466	305,772	84,549
Dominion of Canada.....	109,726	51,513	105,039	90,486	115,046	100,433	50,105
Spain.....	15,771	44,689	646,073	206,580	785,100	212,657	698,086
Portugal.....	146,306	518,071	161,518	636,886	140,673	277,101	660,886
Italy.....	15,771	52,913	59,886	63,385	97,180	101,936	63,002
Sicily.....	6,707	9,475	9,300	37,320	19,320	2,800	10,640
Ionian Islands.....	9,074	7,929	10,928	40,852	5,570	12,165	12,681
Greece.....	8,000	9,000	2,700	16,980	2,700	48,188	9,190
Madeira.....	153,533	157,385	17,406	69,164	16,759	63,533	31,372
Foreign West Indies.....	207,819	277,567	213,760	853,040	940,125	912,475	926,744
United States of America.....	18,654	68,789	5,682	92,752	15,982	60,732	9,970
Total . . . . .	629,340	2,902,880	791,339	3,165,356	915,396	3,478,504	928,016
Cod oil, tuns—							
United Kingdom.....	2,129	286,080	3,299	516,640	3,069	445,212	3,210
British West Indies.....	40	5,600	11	1,760	30,190	135	19,960
Dominion of Canada.....	3	420	182	1,760	1,760	1,063	1,063
Saint Pierre.....							
Portugal.....							
Hamburg.....							
Spain.....							
United States of America.....	593	81,480	519	83,040	237	35,076	460
Total . . . . .	9,754	385,560	3,967	634,720	3,441	508,366	4,767
Refined cod oil, tuns—							
United Kingdom.....	123	91,000	2692	65,500	320	83,900	169
British West Indies.....							
Dominion of Canada.....							
Saint Pierre.....							
Portugal.....							
Hamburg.....							
Spain.....							
United States of America.....							
Total . . . . .	924	36,000	394	81,000	413	107,380	909
Cod roes, barrels—							
United Kingdom.....	913	1,886	560	2,240	19	48	154
British West Indies.....							
Dominion of Canada.....							
Hamburg.....							
United States of America.....							
Total . . . . .							
Cod roes, 60 lbs.—							
United Kingdom.....							
Dominion of Canada.....							
Spain.....							
France.....							

United States of America .....									
Total .....	1,064	9,168	844	3,376	1,081	4,384	1,985	5,885	857
Herrings, barrels—									
United Kingdom .....	14,514	10,987	39,961	5,368	14,484	11,686	97,908	7,533	93,499
British West Indies .....	1,440	5,354	16,062	8,300	32,410	8,110	19,464	7,560	52,680
Dominion of Canada .....	5,901	15,753	6,018	18,654	6,550	17,630	8,556	32,524	3,963
Hamburg .....									
Madeira .....									
Foreign West Indies .....	98	984	197	501	705	1,903	971	651	533
Saint Pierre .....	986	888	500	1,500					
Brazil .....									
United States of America .....	36,944	108,738	22,984	69,632	32,884	31,982	31,191	74,558	36,381
Total .....	50,557	151,671	46,340	139,030	43,837	118,350	61,462	147,508	46,162
Fish, cod (green), quintals—									
United Kingdom .....									
Dominion of Canada .....									
United States of America .....									
Total .....	1,518	3,036	1,381	2,139	19	30	48	49	18
Cod sounds and tongues, packages—									
United Kingdom .....	77	188	186	135	135	29	32	33	33
British West Indies .....	31	31	97	12	13	11	33	33	33
Dominion of Canada .....	388	388	31	26	26				
Spain .....									
Sicily .....									
United States of America .....	4	4	66	66	93	85	85	115	115
Total .....	500	500	383	383	279	279	125	66	113

## AWARD OF THE FISHERY COMMISSION.

## RECAPITULATION.

## VALUES.

Countries.	1868.	1869.	1870.	1871.	1872.	1873.	1874.
United Kingdom .....	\$611, 491	\$920, 925	\$921, 658	\$690, 695	\$646, 752	\$694, 379	\$584, 213
British West Indies .....	393, 538	384, 319	311, 263	326, 831	363, 105	310, 190	403, 688
Dominion of Canada .....	66, 469	80, 353	162, 211	278, 477	64, 873	163, 315	152, 926
Spain .....	512, 413	647, 112	785, 092	811, 027	811, 284	887, 180	899, 323
Portugal .....	590, 899	640, 846	535, 318	660, 888	794, 619	679, 586	889, 930
Italy .....	52, 913	257, 180	237, 100	947, 007	157, 784	196, 315	422, 925
Sicily .....	22, 475	37, 200	73, 042	10, 640	.....	.....	18, 278
Ionian Islands .....	7, 359	40, 932	21, 168	48, 188	48, 132	17, 676	.....
Greece .....	98, 000	.....	10, 260	.....	8, 064	.....	.....
Hamburg .....	1, 500	.....	.....	1, 200	.....	260	8, 294
Foreign West Indies .....	187, 659	70, 915	65, 739	119, 884	196, 039	137, 352	173, 074
Saint Pierre .....	1, 308	1, 500	.....	.....	.....	.....	.....
Brasil .....	727, 567	855, 040	913, 475	988, 736	964, 906	985, 274	1, 269, 553
United States of America .....	273, 365	191, 246	171, 642	189, 731	179, 243	114, 239	924, 574
Gibraltar .....	.....	.....	9, 190	.....	.....	.....	75, 569
France .....	.....	.....	4, 156	3, 012	6, 400	.....	2, 571
Madeira .....	.....	.....	.....	.....	.....	6, 430	.....
Total values .....	3, 478, 769	4, 096, 890	4, 220, 243	4, 370, 287	4, 100, 264	4, 192, 307	5, 077, 938

*List of documents filed with the Secretary of the Halifax Commission in support of the Case of Her Majesty's Government.*

1. Treaty of Paris, 1783.
2. Treaty of Ghent, 1814.
3. Convention of October 20, 1818.
4. Reciprocity Treaty, 1854.
5. Instructions to Her Majesty's High Commissioners and Protocols of the Conferences held at Washington between February 27 and May 26, 1871.
6. Treaty of Washington, May 8, 1871.
7. Imperial Act of August 6, 1872.
8. Canadian Act, June 14, 1872.
9. Prince Edward Island Act, June 29, 1872.
10. Proclamation issued at Washington, June 7, 1873.
11. Proclamation issued at Washington, May 29, 1874.
12. Documents admitting United States fishermen by Prince Edward Island in 1871.
13. Annex A. (Attached to "Case.")
14. United States Trade and Navigation Reports, 1868-'69, '70, '71, '72.
15. Mr. E. H. Derby's Report.
16. Minutes of Executive Council of Prince Edward Island, February 17, 1874.
17. Report of Commander of "La Canadienne" in 1865.
18. Schedule of Fishing Licenses issued to United States citizens, 1866, '67, '68, '69.
19. Cape Ann Advertiser, March 6, 1874.
20. United States Trade and Navigation Returns, 1866.
21. Col. R. D. Cutt's Report, 1869.
22. Mr. W. Smith's Report, 1866 (p. 27).
23. Mr. Perley's Report, 1852 (pp. 28, 33, 44, 49, 52, 56).
24. Report of Collector of Customs at Port Mulgrave, 1873.
25. Mr. Lorenzo Sabine's Report, 1865.
26. Professor Baird's Report, 1871-'72.
27. Report of the State Commissioners for Maine, 1872-'74.
28. Mr. Currie's Report, 1873.
29. Mr. Andrew's Report, 1852.
30. Canadian Fishery Reports for last ten years.
31. Report of Massachusetts Fishery Commissioners, 1872 (p. 39).
32. Annex B. (Attached to "Case.")
33. Annex C, Census Returns of Newfoundland. (Attached to "Case.")
34. Annex D, Exports from Newfoundland to Foreign Countries. (Attached to "Case.")



## APPENDIX B.

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### ANSWER ON BEHALF OF THE UNITED STATES OF AMERICA TO THE CASE OF HER BRITANNIC MAJESTY'S GOVERN- MENT.

#### I.

Before proceeding to consider the case which has been presented on behalf of Her Majesty, the attention of the Commissioners is first called to the precise question which, and which only, they have been appointed and are authorized to determine.

By Article XVIII of the Treaty of Washington, the inhabitants of the United States have acquired, for the term of twelve years, which commenced July 1, 1873, liberty "to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery; and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen."

By Article XXII provision is made for the appointment of Commissioners to determine the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to that of Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article XVIII of the treaty.

Compensation can be awarded only for such new privileges as the United States acquired by virtue of Article XVIII. It is not competent for the Commissioners to award compensation for those rights which the fishermen of the United States enjoy in common with the rest of mankind; nor for the liberty secured to them by the Convention of 1818; nor for any rights, privileges, liberties, or advantages to which the United States are entitled by virtue of any other articles of the Treaty of Washington. Nothing, except the privileges newly acquired by virtue of Article XVIII, falls within the claim for compensation which Her Majesty's Government is entitled to make, and upon the validity and amount of which the Commission has jurisdiction to determine.

These are, 1st. The privilege to fish on the sea-coasts and shores, and in the bays, harbors, and creeks of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, and the adjacent islands, without being restricted to any distance from the shore.

2d. The permission to land on said coasts, shores, and islands, for the purpose of drying nets and curing fish; *provided that they do not inter-*

fere with the rights of private property, or with the occupancy of British fishermen.

These are the only privileges accorded for which any possible compensation can be demanded. The liberty extends only to the sea fishery; the salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are reserved exclusively for British fishermen.

It becomes necessary at the outset to inquire what rights American fishermen, and those of other nations, possess, independently of treaty, upon the ground that the sea is the common property of all mankind. For the purposes of fishing, the territorial waters of every country along the sea-coast extend three miles from low-water mark; and beyond is the open ocean, free to all. In the case of bays and gulfs, such only are territorial waters as do not exceed six miles in width at the mouth, upon a straight line measured from headland to headland. All larger bodies of water, connected with the open sea, form a part of it. And wherever the mouth of a bay, gulf, or inlet exceeds the maximum width of six miles at its mouth, and so loses the character of territorial or inland waters, the jurisdictional or proprietary line for the purpose of excluding foreigners from fishing is measured along the shore of the bay, according to its sinuosities, and the limit of exclusion is three miles from low-water mark.

The United States insist upon the maintenance of these rules; believing them to conform to the well-established principles of international law, and to have received a traditional recognition from other powers, including Great Britain.

Moreover, the province of the present Commission is not to decide upon questions of international law. In determining what, if any, compensation Great Britain is entitled to receive from the United States, for the privilege of using for twelve years the in-shore sea fisheries, and for the permission to land on unoccupied and desert shores for the purpose of curing fish and drying nets, it is the manifest duty of the Commissioners to treat the question practically, and proceed upon the basis of the *status* actually existing when the Treaty of Washington was adopted.

The Commissioners who framed the Treaty of Washington decided not "to enter into an examination of the respective rights of the two countries under the treaty of 1818 and the general law of nations, but to approach the settlement of the question on a comprehensive basis."

What, then, was the practical extent of the privileges enjoyed by American fishermen at and before the date of the Treaty of Washington?

Even before the Reciprocity Treaty adopted June 5, 1854, the extreme and untenable claims put forth at an earlier day had been abandoned; and, directly after its abrogation, the colonial authorities were instructed (April 12, 1866) "that American fishermen should not be interfered with, either by notice or otherwise, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width, in conformity with the arrangement made with France in 1839."

After that time, till 1870, the Canadian Government issued licenses to foreign fishermen. And when that system was discontinued (May 14, 1870), the minister of marine and fisheries gave orders to the commander of the government vessels engaged in protecting the fisheries, not to interfere "with any American fishermen, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width.

In the case of any other bay—as the bay of Chaleurs, for example—you will not admit any United States fishing-vessel or boat, or any American fishermen, inside of a line drawn across at that part of such bay where its width does not exceed ten miles.” It is not apprehended that, for the purposes of the present Commission, there would be any appreciable practical difference between extending the headland doctrine to bays ten miles wide at the mouth, and limiting it to those which are only six miles wide.

But, as soon as these instructions were received in England, Her Majesty’s Government made haste to telegraph to the Governor-General its hope “that the United States fishermen will not be for the present prevented from fishing, except within three miles of land, or in bays which are less than six miles broad at the mouth.” Accordingly, Mr. Peter Mitchell, the minister of marine and fisheries, was compelled to withdraw his former instructions, and to give new ones, as follows, under the date of June 27, 1870 :

Until further instructed, therefore, you will not interfere with any American fishermen, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek, which, though in parts more than six miles wide, is less than six geographical miles in width at its mouth. In the case of any other bay—as Bay des Chaleurs for example—you will not interfere with any United States fishing vessel or boat, or any fishermen, unless they are found within three miles of the shore.

In connection with and as a part of this case, the United States submit to the Commission a brief, exhibiting more fully the history of this controversy, and the authorities upon it, which conclusively show that the instructions just quoted correspond exactly with the well-established rules of international law. It is not doubted that the instructions given were carefully framed with a view to precise conformity with these rules, and in order that Great Britain might claim no more than it was prepared to concede to all foreign governments in dealing with a question of great practical importance.

The United States believe that Her Majesty’s Government are now in full accord with their own on this subject, and that all more extensive claims formerly made are regarded by it, in the recent and forcible language of the Lord Chief Justice of England, “as vain and extravagant pretensions, which have long since given way to the influence of reason and common sense. \* \* \* These assertions of sovereignty were manifestly based on the doctrine that the narrow seas are part of the realm of England. But that doctrine is now exploded. Who at this day would venture to affirm that the sovereignty thus asserted in those times now exists? What English lawyer is there who would not shrink from maintaining, what foreign jurist who would not deny, what foreign government which would not repel, such a pretension?”

## II.

Having ascertained the extent and limits of the privileges accorded to the United States by Article XVIII, it is next necessary to state what are the privileges accorded to Her Majesty’s subjects by Articles XIX and XXI of the Treaty of Washington. For Article XXII, which defines the powers and duties of this Commission, and constitutes its sole authority to act, expressly directs it to have “regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI.”

By Article XIX, British subjects acquire, for the same term of years, identically the same privileges, and upon the same restrictions of land.

ing to cure fish and dry nets, and of fishing on the eastern coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the adjacent islands, and in the bays, harbors, and creeks of said sea coasts and shores, without being restricted to any distance from the shore, as by Article XVIII had been accorded to United States fishermen in regard to the territorial waters of the Atlantic coast of British North America. *Mutatis mutandis*, the privileges conceded by each side to the other are of the same character, and expressed in precisely the same language.

Article XXII is as follows:

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

The right to admit fish and fish-oil, free of duty, from the United States into Canada and Prince Edward's Island is regarded in the treaty as of such insignificant and inappreciable importance that no account is to be taken of it in the estimate and adjustment of equivalents which the Commissioners are directed to make. But the right granted to four millions of people, a large portion of whom find their chief industrial interest and source of wealth in the fisheries, to import fish and fish-oil for twelve years, duty free, into the markets of a nation of forty millions of inhabitants, the Commissioners are directed to weigh and appreciate. The magnitude and value of this privilege will be considered hereafter.

In regard to Newfoundland, no special remarks seem to be required at this point, except that by Article XXXII the provisions and stipulations of Articles XVIII to XXV inclusive are extended to that island, so far as they are applicable. But there is no previous mention of Newfoundland in the treaty; and it seems a strained and unnatural construction of Article XXXII to hold that, by this general language, it was intended to make the provisions as to this Commission applicable thereto. The United States assert that the jurisdiction of the Commissioners does not extend to inquiring whether compensation should be made for the inshore fisheries of that island, both because the language of the treaty does not authorize them to do so, and because the extensive rights to the inshore fisheries of that island, and to dry and cure fish upon its shores, already possessed by the United States under the Convention of 1818, render it extremely improbable that any idea of possible compensation to that island could have been entertained by either of the high contracting powers when the treaty was framed.

### III.

It is proposed next to consider the value of the advantages which the United States derive from the provisions of Article XVII. This will be done in the light of the principles already laid down, which, it is trusted, have been established to the satisfaction of the Commissioners.

The only material concession is that of fishing within British territorial waters over which jurisdiction exists to such an extent as to authorize the exclusion of the rest of mankind. Such jurisdiction only exists within three miles from low-water mark, both on the shores of the sea and within bays less than six miles wide between their headlands, for all bays and gulfs of larger size are parts of the open ocean; and whatever lies beyond is the gift of God to all, incapable of being monopolized by any kingdom, or state, or people.

The necessity of reiterating and emphasizing these positions arises from the surprising circumstance that the Case of Her Majesty's Government throughout completely and studiously ignores any such distinction. "From the Bay of Fundy to the Gulf of Saint Lawrence inclusive," over "an area of many thousands of square miles," it claims the whole as British property (p. 18). This is not done, indeed, in formal and explicit terms; if it had been, the pretension would have been more easily refuted, or rather its extravagance would have refuted itself. But all the assertions as to value, and all the statistics of the case, though vague and indefinite, nevertheless are based constantly upon this untenable and long since exploded theory. The affirmative lies upon Her Majesty's Government to show the value to American fishermen of the inshore fisheries as separated and distinguished from those of the deep sea; but this distinction the British Case nowhere attempts to draw. The United States insist that the true issue cannot be evaded thus; and that the party claiming compensation is bound, by every principle of law, equity, and justice, to show, with some decree of definiteness and precision, wherein consist the privileges which are made the foundation of an enormous pecuniary demand.

(1) The fisheries pursued by the United States fishermen in the waters adjacent to the British provinces on the Atlantic coast are the halibut and cod fishery, and the mackerel and herring fishery. The halibut and cod fisheries include hake, haddock, cusk, and pollack. These fish are caught exclusively on the banks, far beyond the jurisdiction of any nation. *The cod-fishery, therefore, is solely a deep-sea fishery, and not a subject within the cognizance of this Commission.* This appears even by the inspection of the maps attached to the British Case, highly colored and partial as those are believed to be, they having been drawn and marked without any discrimination between territorial waters and the open sea. Moreover, it will appear in evidence, conclusively, that there is substantially no inshore cod-fishing done by the Americans.

Nor do they land on the shores to dry their nets or cure their fish. These customs belonged to the primitive mode of catching codfish practiced by former generations of fishermen, and have been disused for many years past. Codfish are now salted for temporary preservation on shipboard, but are cured in large establishments at home by fish packers and curers, who make this a separate business, and to whom the fish are sold from the vessels in a green state.

(2) Nor do the American cod fishermen fish for bait to any considerable extent in the territorial waters of the British dominions. Their vessels are so large, and their outfit is so expensive, that they find it more economical when the first supply of bait, which is always brought from home, is exhausted, to purchase fresh bait of the Canadians, who fish for it in open boats or small craft near their own homes, to which they return every night. The best bait for cod and other similar fish is the frozen herring, large quantities of which, of a quality too poor for any other use, are taken in seines by the Canadians and sold to the United States fishermen. The importance of this and other kinds of traffic to the poor inhabitants of the Canadian fishing villages, and the destitution to which they were reduced, when, from motives of policy, and to affect the negotiations between the two governments, it was broken up by the Canadian authorities, will appear from their own testimony and from official documents. This subject will receive attention hereafter. *Suffice it now to observe that the claim of Great Britain to be compensated for allowing United States fishermen to buy bait and other supplies of British subjects finds no semblance of foundation in the treaty, by which no right*

of traffic is conceded. The United States are not aware that the former inhospitable statutes have ever been repealed. Their enforcement may be renewed at any moment; and the only security against such a course is the fact that such uncivilized legislation is far more inconvenient and injurious to the Canadians than it can possibly be to American fishermen. It will appear in the sequel that, in the unanimous opinion of that portion of the Canadians who reside on the seacoast, the benefits of such commercial intercourse are at least as great to themselves as to foreign fishermen.

(3) It is further important to bear in mind that the fishery claims of the Treaty of Washington have already been in formal operation during four years, one-third of the whole period of their continuance; while practically both fishing and commercial intercourse have been carried on in conformity with the treaty ever since it was signed, May 8, 1871. After that date, the provincial authorities desisted from the system of seizures and other molestations by which foreign fishermen had been previously annoyed. And what has been the result, to each party, of the liberal policy inaugurated by the treaty? Under its benign influences, as the British case declares, "the produce of the fisheries caught by British subjects has greatly increased during seven years past." But while the result to them has been one of "steady development and increasing wealth," the United States cod fishery, even, has declined in amount and value, not, to be sure, to such an extent as the mackerel fishery, but sufficiently to demonstrate that the American fisheries for halibut, cod, haddock, pollack, and hake, have not been benefited by any privileges conceded to the United States under the Treaty of Washington; and that, in respect to these fisheries, no just claim for compensation can be maintained before this Commission.

(4) Almost the only fish ever taken by Americans within the three-miles limit off the coast of the British provinces are the mackerel; and of the entire catch of this fish, only a very small fractional part is so taken. They abound along the Atlantic coast from Cape May northward; great quantities of them are found in the deep sea; and the chief use made of the inshore fisheries on the Canadian coast by American fishermen is to follow, occasionally, a school of fish which, in its progress, chances to set in towards the shore.

The method of taking them formerly was by hand-lines with the jig hooks; and this method is still the one principally practiced off the British coast. Within the past few years, the use of purse-seines has become the method most approved and most generally adopted by United States fishermen. By means of them the schools of fish can be controlled and caught, whether they are inclined to take bait or not. And this new mode of taking fish has revolutionized the business, since American fishermen now require no bait, and are enabled to take an abundant supply of mackerel in American waters throughout the whole fishing season.

The migration of mackerel in the spring begins on the Atlantic coast from a point as far south as Cape Hatteras. The first-comers reach Provincetown, Mass., about May 10. Here they begin to scatter, and they are found during the entire season along the New England coast.

Whatever may be the theory of others on the subject [says Professor Baird], the American mackerel fisher knows perfectly well that in spring, about May, he will find the schools of mackerel off Cape Hatteras, and that he can follow them northward, day by day, as they move in countless myriads on to the coast of Maine, of Nova Scotia, and into the Gulf of Saint Lawrence. They may be occasionally lost sight of by their sinking below the surface; but they are sure to present themselves shortly after to those who look for them farther north and east.

Leaving it to naturalists to account for the reasons, the fact is universally acknowledged that, for a number of years past, the value of the mackerel fisheries in British waters has diminished, while, during the same period, the quantity and quality of these fish taken off the coast of New England has greatly improved.

As early as 1868, the following statement appears in the annual report of marine and fisheries:

Owing to some unknown cause, the net as well as the bait mackerel fishery has nearly failed on our coasts. As already stated, the spring fishing at Magdalen Islands had yielded almost nothing to the inhabitants, and the foreign schooners which resorted there to pursue the same fishing had barely covered the cost of outfit. According to general opinion, mackerel appeared but in very small numbers in Pleasant Bay. However bad this fishery had been, hopes were entertained of the results of the summer fishery. There was, however, to be further disappointment in this instance. Mackerel, it is true, was seen on the shores of Magdalen Islands, Gaspé, and Bay Des Chaleurs, but in such limited numbers that, with the exception of a few caught for bait, a very limited quantity was taken at the Islands and at Gaspé Bay and Basin. The mackerel would not take bait at the surface of the water; and, after trying every means for several weeks to induce the fish to come to the surface by means of bait, the American schooners left the islands and shores of Gaspé with only a few barrels taken. I have since ascertained that, at the end of August or beginning of September, mackerel had been abundant on the shores of Prince Edward's Island, and that the schooners which had resorted there had done well. It is to be hoped that this report was true, as otherwise the loss incurred by our own and foreign schooners must have been very large, if this fishing had been a failure everywhere. The cost of outfit is heavy, and to compensate for expenses necessarily incurred by most of the vessels it was necessary that there should be at least a middling success. The scarcity of mackerel was, therefore, the reason why I met so very few American schooners near our shores. In June, July, September, and October, however, when the results of this fishing were still uncertain, several schooners were seen in Bay Des Chaleurs, Paspébiac, Port Daniel, and Percé. From what I could ascertain, about one-third had licenses, but the rest, dreading a bad season, preferred fishing only on the Banks, at Magdalen Islands, or outside the limits, rather than to pay for a license. Moreover, from information obtained, I have reason to believe that few were seen fishing inside of the three-mile limits; and even those may have been provided with licenses. During the whole of my cruise in August, I saw none of them acting in contravention of the law; and the owners of schooners whom I met without a license had left without infringing the act, after being notified. The fact of the matter is, that, having fine and costly vessels, of which they are for the most part owners, they can ill afford the risk of losing them, especially this year, by fishing within the three-mile limits. (Report of Theophile Tétu, esq., on the Fisheries of the Gulf of Saint Lawrence; Annual Report of the Canadian Department of Marine and Fisheries, 1868, p. 54.)

The same deterioration of inshore mackerel fishing has steadily continued down to the present time:

Is it not an extraordinary thing [says the report of the same department for 1876], that halibut and mackerel, which have only a comparatively inferior value in our markets, are always quoted at a high price with our neighbors? They are difficult fish to cure, and this may explain the difference in price between both markets; and, as this fishery is very uncertain, our people dare not enter in it, on account of the possibility of heavy losses in time and money. With the exception of the inhabitants of Magdalen Islands and some three or four fishermen from Gaspé, nobody in the whole division placed under my charge, takes any interest in either of these fisheries. The importance of this fishery, even as carried on by strangers, has greatly diminished. Out of five or six hundred schooners which formerly frequented Bay des Chaleurs, Magdalen Islands, &c., in search of mackerel, hardly one hundred are now counted. One schooner only, the W. Merchant, of Gloucester, was this year engaged in halibut fishing; and, when I visited her at Esquimaux Point, she had caught nothing, not even one barrel of herring. The restrictions to which foreigners fishing in our waters were subjected during past years, and the seizures of vessels which were the consequence of violations of Canadian fishery laws, must undoubtedly have contributed a great deal to deter Americans from the waters of the Gulf, and compelled them to take another direction, where they very likely find more remunerative results. In the course of a conversation with the United States consul at Gaspé, he handed me a newspaper from Gloucester, Mass., which explains in a few words this decrease of American schooners in our waters. "Our large firms," said that paper, "far from curtailing their fishing outfits, have increased them. Most of them have added another vessel to the number already possessed. The attention of outfitters seems now to be solely bent upon cod-fishing. In former times their whole reliance was placed upon mackerel fishing, which was practiced on shore on George's Bank, or in the Gulf of Saint Lawrence; but very little notice is taken of it now."

so much so that the total catch of mackerel by our vessels is now reduced to one-tenth of what it used to be. Several causes have been adduced to explain this change; but the first is undoubtedly the use of seines. It is almost an impossible thing now to catch mackerel, as formerly, with hook and line, and seining is so uncertain that most of the masters were compelled to abandon this fishery. Mackerel fishing in the Gulf of Saint Lawrence formerly constituted the occupation of the whole Gloucester fleet during the fall season; but now hardly fifty or sixty schooners are met within its waters." The above statements agree perfectly with the observations I have made during the past season. A few years ago, no more than half a dozen Gloucester schooners were engaged cod-fishing on the banks; now there are two hundred. No attention whatever was then given to cod-fishing, but now it has attracted the notice of the trade of Gloucester. Halibut fishing is another pursuit which is daily growing more and more important for Gloucester fishermen; but the latter appear to have abandoned the Gulf, or rather the grounds which these fish formerly frequented. Several of the finest and swiftest sailors of that fleet were employed during the whole year, and fitted so as to be able to carry these fish, fresh or salted. The above will explain the cause of the disappearance of American schooners from our waters.

It is also to be observed that the American mackerel uniformly command a higher price than the colonial catch, the difference varying from four to six dollars per barrel. The average excess in price in favor of the catch off the coasts of the United States is at least five dollars per barrel.

The evidence to be laid before the Commission will fully establish the position taken by the American Commissioners who framed the Treaty of Washington, that the value of the inshore fisheries has been greatly exaggerated, and that the United States have desired to secure the privilege of using them, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation.

The simple truth is, that all American fishermen would, at the date of the treaty, and ever since, have gladly abandoned all fishing in the territorial waters of Canada, rather than have been subjected to competition on equal terms with the Canadian fishermen.

(5). As for the herring fishery by Americans in British waters, it amounts to nothing. Hardly any trace of its existence can be found. Herring are purchased but not fished for by United States fishermen in British territorial waters.

The United States call upon the British Agent to produce, and upon the Commissioners to require at his hands, tangible evidence of the actual practical value of the privilege of fishing by Americans in British territorial waters as it has existed under the treaty for four years past, as it exists to-day, and as, judging of the future by the past, it may reasonably be expected to continue during the ensuing eight years embraced in the treaty. It is insisted that the Commissioners have no right to proceed upon vague and general claims and assertions as unsubstantial as the fog-banks along the coast, and therefore as difficult to refute as it would be to dissipate a fog. Especially are they bound not to suffer themselves to be misled by the untenable and exploded theory that the portion of the high seas which is adjacent to the British provinces constitutes a part of their dominions.

#### IV.

It is next proposed to consider the advantages derived by British subjects from the provisions of the Treaty of Washington.

In the first place, the admission of American fishermen into British waters is no detriment, but a positive advantage, to colonial fishermen; they catch more fish, make more money, and are improved in all their material circumstances, by the presence of foreign fishermen. The large quantities of the best bait thrown over from American vessels

attract myriads of fish, so that Canadians prefer to fish side by side with them ; and, when doing so, make a larger catch than they otherwise could. The returns of the product of the British fisheries conclusively show that the presence of foreign fishermen cannot possibly have done them any injury.

Secondly. The incidental benefits arising from traffic with American fishermen are of vital importance to the inhabitants of the British maritime provinces. When, after the abrogation of the Reciprocity Treaty, the Canadian authorities saw fit to prohibit such commercial intercourse, the disastrous consequences which ensued are thus depicted by the Hon. Stewart Campbell, M. P., in his letter to the department of marine and fisheries, in 1869 :

The principal source of inconvenience and grievance on the part of the British traders and subjects, generally, in the maritime provinces, who are connected with the fisheries, is to be found in the great change of circumstances brought about by the abrogation of the Reciprocity Treaty. During the existence of that treaty, the entire freedom with which that branch of industry represented by the fisheries was pursued, on the part of the subjects of the United States of America, on the coasts of the British provinces, naturally brought these foreigners into most intimate business relations with merchants, traders, and others, in many localities of the maritime portion of the Dominion, and especially at and in the vicinity of the Straits of Canso. The great body of the large fleet of American fishermen, numbering several hundred vessels, which annually passed through that strait to the Gulf of Saint Lawrence, in the prosecution of the fisheries, and especially the mackerel fishery, was invariably in the habit of procuring much of the requisite supplies for the voyage at the several ports in that strait. The business thus created largely benefited not only those directly engaged in commercial pursuits, but was also of immense advantage to other classes of the inhabitants of several of the adjacent counties of Nova Scotia. The constant demand for, and ready disposal at remunerative prices to the American fishing vessels of, a large quantity of farm produce, and other products of industry in the shape of barrels, hoops, lumber, wood, &c., was at once the character and result of the intercourse which subsisted during the existence of the Reciprocity Treaty.

And here I may offer some observations as to what, in my judgment, would be the probable effects of dealing with the American fishermen in the more liberal spirit of cheap licensees. In a former part of this communication, I have referred to the active and advantageous business relations subsisting between them and the merchants, traders, and others, in the eastern counties of Nova Scotia, and particularly at the Strait of Canso, during the existence of the Reciprocity Treaty, and pointed out the very prosperous condition of our own people during that period. Much depression has prevailed since its abrogation, caused principally by the exaction of a high rate of tonnage dues, which has induced the Americans to transfer their former business relations to Prince Edward Island, where the terms of the Convention of 1818 are practically permitted to be unrecognized.

The value of this trade during the period of that treaty is thus stated by Sir John A. Macdonald in the debate in the Dominion Parliament, May 3, 1872 :

The people of Nova Scotia and the other provinces found that the treaty, while it yielded a nominal right, conferred many and solid advantages. A great trade, which they had never anticipated, sprung up in consequence of the admission of American fishermen ; and, instead of the ruin they feared, they gained so much in every respect that they desired a continuance of the treaty, and lamented its repeal. It was found, too, that the people of Prince Edward Island also experienced a great advantage from the treaty, in respect to trade in coarse grains with the United States, which was largely increased by the permission granted to Americans to frequent their coasts for fishing purposes. In that colony, too, there had been apprehensions—and he doubted not they were sincere—that the treaty would not be really beneficial to the people ; but when the privileges given to citizens of the United States were freely enjoyed by them, they in return, brought so many benefits that we heard no complaints from the colony. No injury was done to the fishermen of the island ; on the contrary, the trade which grew up was found to be profitable in many different ways. More goods were imported than ever before ; commerce was brisk ; stores were opened, and profits made which never would have been realized but for the existence of the treaty.

In the same debate, Mr. Power, of Halifax, who was described by another speaker as "a man who had devoted his whole life to enterprises connected with the fisheries of the maritime provinces, who had given

them the most careful study and attention, and had become possessed of every information concerning them," declared that—

The harbors on the entire line of coast were visited by United States vessels, for the purpose of obtaining supplies of bait, ice, &c., for the deep-sea and other fisheries; and, if we wished to have the protection effectual, we would prevent this. *He might, however, say that he had always been opposed to United States vessels being prevented from obtaining these supplies from our people. It looked too much like the cutting off the nose to be revenged on the face. The value of articles supplied in this way was very large, and the revenue, as well as the inhabitants, was benefited by it;* while the only injury that would be done to the Americans by prohibiting the trade was to oblige them to bring the supplies with them from home, or drive them to Prince Edward's Island, where every facility was readily given them. He had understood that, until the treaty was finally ratified, it was the intention of the government to prevent American vessels from landing their catch in ports of the Dominion. He much doubted the wisdom of this restriction. It might be all well enough if they were not permitted to do so in Prince Edward's Island. That island lay almost in the center of the fishing-grounds; and there they were allowed to take all supplies they might require, and land their fish, which was reshipped in American steamers that plied weekly between Charlottetown and Boston. Such action on the part of the government would hardly form any restriction to the Americans while they had Prince Edward's Island open to them, and would only deprive our people of the Strait of Canso of the advantage of storage and harbor attendant on the landing of cargoes, and our vessels of the benefit of the freighting of them to the United States.

The condition of things in 1870 appears from the reports of Vice-Admiral Fanshawe, and the other officers in command of the war vessels cruising off the Canadian coast, for the protection of the fisheries. (*Canadian Report of the Department of Marine and Fisheries, 1870, pp. 324, 338, 339, 341, and 349.*) Admiral Fanshawe says:

The strong interest that both the resident British traders and the United States fishermen have in maintaining the trade, would, in my opinion, render its suppression extremely difficult, even were it thought judicious to continue the attempt; while the combination between these two bodies to evade British law, and the sympathies arising therefrom, must be very undesirable.

The commander of Her Majesty's gunboat Britomart, in his report on the fisheries of the Bay of Fundy, says:

The inhabitants on the Nova Scotia coast, from St. Mary's Bay to Cape Sable, I believe, prefer the Americans coming in; as they are in the habit of selling them stores, bait, and ice, and give them every information as to my movements.

Wherever I went, I found the people most anxious whether the Americans were still going to be allowed to come and purchase the frozen herrings; if they were not, they had no other market for them, and the duty was so heavy they could not afford to take them into American ports themselves. At the same time, they wished to have the Americans prevented from fishing on their coasts.

The commander of Her Majesty's ship Plover, in his report from Prince Edward's Island, in the same year, says:

Every facility is given in the ports of this island to foreigners for obtaining and replenishing their stock of stores and necessaries for fishing. This, if the treaty is intended to be strictly enforced, should not be allowed; as, if it is wished to drive the United States fishermen from these waters, they will then be obliged to return home for supplies.

H. E. Betts, commander government schooner Ella G. McLean, says:

I anchored off port Mulgrave and procured wood and water. Here the feeling is very much against the law that prevents the American fishermen procuring supplies, such as bait, barrels, provisions, &c. One house, whose receipts in 1864 and 1865 were about \$80,000 each year, this year was reduced to \$10,000, the principal part of which was "stolen." They advocate the return to the license system, doing away with the twenty-four hours' notice there used to be, and having these schooners to rigidly enforce the law, and to instantly seize any vessel fishing inside the limits without a license. They suggest that the proceeds of the licenses might be used as a set-off against the American duty of \$2 a barrel, by dividing it at so much per barrel amongst our fishermen, as a bounty; thus putting our fishermen on nearly equal terms with the Americans as regards a market for their fish.

The anticipations that the Treaty of Washington would so operate as to remove the distress existing in the maritime provinces at the

date of its negotiation have been fully realized, as will appear by the testimony to be laid before the Commission. It also appears that several thousands of British fishermen find lucrative employment on board American fishing-vessels.

The benefits thus far alluded to are only indirectly and remotely within the scope and cognizance of this Commission. They are brought to its attention chiefly to refute the claim, that it is an advantage to the United States to be able to enter the harbors of the provinces and traffic with the inhabitants. No doubt all such advantages are mutual and reciprocal. They only show that, in this instance as in so many others, a system of freedom, rather than one of repression, proves the best for all mankind.

## V.

It is necessary now to consider the specific benefits which the treaty directs the Commission to regard in its comparison and adjustment of equivalents.

First. What do British subjects gain by admission to the fishing-grounds of the United States down to the thirty-ninth parallel of north latitude ?

All descriptions of fish found in British waters also abound along this portion of the coast of the United States. They are nearly as extensive territorially and equally valuable. If the provincial fishermen invested the same amount of capital in the business, and exerted equal enterprise, industry, and skill, they would find the American waters fully as valuable to them as theirs now are to the fishermen of the United States.

Off the American coast is found exclusively the menhaden or porgies, by far the best bait for mackerel. This is well stated by Sir John Macdonald, who says :

It is also true that in American waters the favorite bait to catch the mackerel is found, and it is so much the favorite bait that one fishing-vessel having this bait on board would draw a whole school of mackerel in the very face of vessels having an inferior bait. Now, the value of the privilege of entering American waters for catching that bait is very great. If Canadian fishermen were excluded from American waters by any combination among American fishermen, or by any act of Congress, they would be deprived of getting a single ounce of the bait. American fishermen might combine for that object, or a law might be passed by Congress forbidding the exportation of menhaden ; but by the provision made in the treaty Canadian fishermen are allowed to enter into American waters to procure the bait, and the consequence of that is that no such combination can exist, and Canadians can purchase the bait and be able to fish on equal terms with the Americans. (Speech of Sir John A. Macdonald, May 3, 1872.)

These statements were based upon the Canadian official reports previously published, which say :

For mackerel fishing, the Americans use "porgies" and clams, chopped fine, as bait. The "porgies" are found only on the coast of the United States, and, when imported into the Dominion, cost about six dollars per barrel.

The bait with which the Americans are supplied is far superior to any which can be procured in this country, to which may be attributed in a great measure the success of the Americans previously to the recent restrictions, although even now the local fishermen complain that they have no chance while an American schooner is fishing near them. (Annual Report of the Department of Marine and Fisheries for the year ending June, 1870, pp. 312, 342.)

The menhaden fishery has within ten years grown into an immense business. Formerly, they were taken only for bait, and were either ground in hand-mills for mackerel, or used in what is called "slivers" for codfish bait. There is now a large fleet of steamers and sailing-vessels engaged in this fishery. Large factories have been erected on shore

for extracting the oil. As these fish are not valuable until they are fat, which is in August and September, they are not much taken in their spawning time; and they will not therefore be exterminated. They are caught solely with seines, near the shore, their food being a kind of marine seed which floats upon the waters; consequently, they will not take the hook. This fishery is one of the most profitable of all the fisheries, the oil being used for tanning and currying extensively at home and being exported in large quantities. The refuse of the fish, after being pressed, is used for manufacturing guano or fish phosphate, and is very valuable as a fertilizer. This fishery is purely an American fishery, no menhaden ever being found north of the coast of Maine. It is entirely an inshore fishery, the fish being taken within two miles from the shore.

The United States inshore fisheries for mackerel, in quality, quantity, and value, are unsurpassed by any in the world. They are within four hours' sail of the American market, and many of the mackerel are sold fresh at a larger price than when salted and packed. The vessels fitted with mackerel seines can use the same means and facilities for taking menhaden, so that both fisheries can be pursued together. And they combine advantages, compared with which the Dominion fisheries are uncertain, poor in quality, and vastly less in quantity. The Canadian fisheries are a long voyage from any market whatever, and involve far more exposure to loss of vessels and life. These fisheries along the shores of the United States are now open to the competition of the cheap-built vessels, cheap-fed crew, and poorly paid labor of the Dominion fishermen, who pay trifling taxes, and live, both on board their vessels and at home, at less than half the expense of American fishermen. It is only from lack of enterprise, capital, and ability, that the Dominion fishermen have failed to use them. But recently hundreds of Dominion fishermen have learned their business at Gloucester and other American fishing towns, and by shipping in American vessels. They have in United States waters to-day over thirty vessels, equipped for seining, which, in company with the American fleet, are sweeping the shores of New England.

Second. The enormous pecuniary value of the right to import fish and fish-oil, free of duty, into the markets of the United States, must be admitted by every candid mind. Testimony from all quarters can be adduced, of the most convincing character, on this subject.

In June 24, 1851, long before the adoption of the Reciprocity Treaty, the British minister at Washington, Lord Elgin, wrote to Mr. Webster, that if the United States would admit "all fish, either cured or fresh, imported from the British North American possessions, in vessels of any nation or description, free of duty, and upon terms in all respects of equality with fish imported by citizens of the United States," Her Majesty's Government were prepared "to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coasts of those colonies for the purpose of drying their nets and curing fish; provided that, in so doing, they do not interfere with the owners of private property, or with the operations of British fishermen."—Documents accompanying President's Message, December, 1851, part 1, pp. 89, 90.

And after the abrogation of the Reciprocity Treaty, in 1867, a committee of the Nova Scotia legislature earnestly recommended "that, instead of levying a pecuniary license fee, steps be taken to arrange, if practicable, with the American Government, for the admission of the

products of colonial fishermen into the American market free, or under a more reduced tariff than that now imposed."—Report of Committee of Legislature of Nova Scotia, 1867, quoted in Knight's Report, on the Fisheries of Nova Scotia, p. 14.

"Under the Reciprocity Treaty," said Mr. Stewart Campbell, in the memorandum already quoted from, "*the total exemption from duty of all fish exported from the maritime provinces to the markets of the United States, was also a boon of inestimable value to the very large class of British subjects directly and indirectly connected with our fisheries and its resulting trade.* This state of things, which was beneficial also in no small degree to the subjects of the United States, undoubtedly created a condition of general prosperity and contentment among the classes of British subjects referred to, such as had never previously existed."

On this subject Sir John A. Macdonald, in the Parliament of the Dominion, thus expressed himself:

I may be liable to the charge of injuring our own case in discussing the advantages of the arrangements, because every word used by me may be quoted and used as evidence against us hereafter. The statement has been so thrown broadcast that the arrangement is a bad one for Canada, that, in order to show to this House and the country that it is one that can be accepted, one is obliged to run the risk of his language being used before the Commissioners to settle the amount of compensation, as an evidence of the value of the treaty to us. It seems to me that, in looking at the treaty in a commercial point of view, and looking at the question whether it is right to accept the articles, we have to consider mainly that interest which is most peculiarly affected. Now, unless I am greatly misinformed, the fishing interests in Nova Scotia, with one or two exceptions for local reasons, are altogether in favor of the treaty. They are so anxious to get free admission for their fish into the American market, that they would view with great sorrow any action of this House which would exclude them from that market; that they look forward with increasing confidence to a large development of their trade, and of that great industry; and I say, that that being the case, if it be to the interest of the fishermen, and for the advantage of that branch of national industry, setting aside all other considerations, we ought not wilfully to injure that interest. Why, sir, what is the fact of the case as it stands? *The only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market, and we are practically excluded from it by the present duty.* The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the Americans' own price. The American fishermen purchase their fish at a nominal value, and control the American market. The great profits of the trade are handed over to the American fishermen, or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people. Let any one go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of the steamer to a fisherman in his boat, and see for what a nominal price you can secure the whole of his catch; and that is from the absence of a market, and from the fact of the Canadian fisherman being completely under the control of the foreigner. With the duty off Canadian fish, the Canadian fisherman may send his fish at the right time, when he can obtain the best price, to the American market, and thus be the means of opening a profitable trade with the United States in exchange. If, therefore, it is for the advantage of the maritime provinces, including that portion of Quebec which is also largely interested in the fisheries, that this treaty should be ratified, and that this great market should be opened to them, on what ground should we deprive them of this right? Is it not a selfish argument that the fisheries can be used as a lever in order to gain reciprocity in flour, wheat, and other cereals? Are you to shut our fishermen out of this great market in order that you may coerce the United States into giving you an extension of the reciprocal principle?

I have heard the fear expressed that, with this treaty, the Americans would come down into our waters and take the fish away from our people. This was a groundless fear. Why had not this occurred under the Reciprocity Treaty, under which the Americans enjoyed fully equal privileges to those they would have under the Treaty of Washington? Did we find them interfering with our fishermen? We did not; and with the United States markets open to us on the same terms as to its own fishermen, could any intelligent man suppose that they could come down four or five hundred miles in vessels costing more to build, equip, and sail than our vessels, and compete with our people, who took the fish almost at their own doors? In Mr. Knight's report on the working of the Reciprocity Treaty, drawn up in the year 1867, was found the following extract of a letter from a gentleman in Guysborough: "The fishermen in this locality have, since the commencement of the Reciprocity Treaty, say for the past ten years, made more money than during any ten years previous, from the fact that they had a free market in the United States, which is the only market where a large proportion of our fish will sell to advantage; and, although fish have

not been so abundant, the extra price has more than compensated for the deficiency in the catch. If a heavy duty were put upon our mackerel and herrings in the United States, the fishery would not be remunerative; and," he added, "the American cod and mackerel fishermen have not interfered with us nor injured our fisheries during the past ten years, and our fishermen caught more mackerel in 1864 than in any previous year." It would be seen that we need have no fears that the Americans would do us any greater injury under this treaty. He also found in Mr. Knight's report that the value of fish exported from the Province of Nova Scotia from 1855 to 1865, during the existence of the Reciprocity Treaty, had increased from \$1,940,127 to \$3,476,461, and was it not fair to assume that a proportionate increase would take place under the Washington Treaty?

Those opposed to the treaty seemed to set great value upon what we were asked by it to surrender. "O," said they, "why should we give up our valuable fisheries, such important privileges, and for so small a consideration!" Had those who talked in this way studied the case? I believe they had not, else they would form a different opinion. That our fisheries were valuable, I am well aware. Their value under favorable conditions could not be overestimated; but that value would be great or small just in proportion to the markets we possessed. By this treaty we surrendered very little, and gained in many ways; for, in addition to our own fishing grounds, which we still retained, we had the privilege, if we chose to avail ourselves of it, of going into United States waters to fish, and would gain a free market, which would have the effect of increasing the value of our own fisheries to a most important extent. Newfoundland and Prince Edward's Island had given strong indications that they would ratify this treaty; and Americans having free access to the fishing-grounds of the former, they would be quite independent of us in the herring and cod fisheries. Prince Edward's Island's ratifying it would give them access to the mackerel fishery of that island; and, with the right which they now possessed, under the treaty of 1818, to take all kinds of fish when and where they pleased at the Magdalen Islands—and the islands comprise, both for berring and mackerel, about the best fishing-ground of the Dominion—the Americans need care very little for any privileges that we might have the power to withhold from them, which would amount to but a few miles of an inshore mackerel fishery; in return for which the markets of the entire United States were thrown open to us free for all the fish and products of the fisheries of the whole Dominion.

In the same debate of May 13, 1872, Mr. Power, of Halifax, said :

He was in favor of accepting the treaty even as it was, and the following were some of his reasons; they were not merely theoretical, but the result of years of practical experience and careful observation. In the spring of each year, some forty or fifty vessels resorted to the Magdalen Islands for herring, and he had known the number to be greater. These vessels carried an average of 900 barrels each. So that the quantity taken was generally in the neighborhood of 50,000 barrels. During the existence of the Reciprocity Treaty, no United States vessels went after these fish. All the vessels engaged in that fishery belonged to some one of the provinces now forming this Dominion. Since the abrogation of the treaty and the imposition of the duty of a dollar per barrel by the United States, the case had become entirely changed. Vessels still went there; but they were nearly all American. Now, under this treaty we would get that important branch of trade back again. The lower provinces, Nova Scotia in particular, had a large herring trade with Newfoundland. Vessels went there with salt and other supplies, and brought back cargoes of herring in bulk. Employment was thus given to the cooper and laborer in preparing these fish for export; and, as the business was prosecuted mostly in the winter months, when other employment was difficult to obtain, it always proved a great boon to the industrious. We lost this trade also when we lost the Reciprocity Treaty; but it would return to us under the treaty now offered for our acceptance. A little more than two years ago, two vessels belonging to the Province of Quebec arrived in Halifax, from Labrador. They had between them 3,400 barrels of herring. Not finding sale for them in Halifax, they proceeded to New York, where they sold. The duty on these two cargoes amounted to \$3,400 in gold. Under a treaty of this kind, this \$3,400 would go into the pockets of the owners and crews of the vessels, instead of into the United States Treasury; and cases of this kind occurred almost every day. The same reason applied to the mackerel fishery; but with still greater force, the duty being two dollars per barrel. There was another feature connected with this fishery, which ought to have a good deal of weight with this House, in favor of the treaty. American vessels following the cod and mackerel fisheries were manned in great part by natives of some part of this Dominion. The chief cause of this was, that, as the hands fished on shares, viz, one-half of what they caught, those employed on board of United States vessels got theirs in free of duty; while the men employed in the vessels of the Dominion had to pay the duty on theirs. A hand catching twenty-five barrels of mackerel to his share, on board of a United States vessel, would receive \$50 more than he would receive for the same quantity taken in one of our own vessels. A consequence of this was that the best men went on board the American vessels, and our vessels had to put up with the less capable. Indeed, should the present state of things continue much longer, our people would be compelled to give up the hook-and-line fishing altogether; for it was impossible that they could continue to compete against the duty and their other disadvantages. During the existence of the Reciprocity Treaty, the

number of vessels following the hook-and-line mackerel-fishery had increased to about sixty in the county of Lunenburg alone. Since the termination of the treaty, the number had been gradually falling off, until, during last session, no more than half a dozen vessels engaged in that business; and he believed that, should this treaty not be ratified, there would not be a single vessel fitted out in that county for the mackerel-fishery the approaching season. He had been assured by vessel-owners in *Mavre au Bouche*—an enterprising settlement at the eastern end of the county of Antigonish—and also by those on the western side of the Strait of Canso, in the county of Guysboro (from both of which places the mackerel and herring fisheries had been extensively prosecuted), that the business will not more than pay expenses; and that, unless something was done to relieve those fish from the present duty, they would be obliged to abandon the business altogether. This need create no surprise, when it is considered that, at the present value of mackerel and herrings, the duty is fully equal to fifty per cent. Owing to the advantages offered by the American vessels over our provincial vessels engaged in fishing, not only were our best men induced to give their skill to the Americans in fishing, but in many cases they remained away, and their industry was lost to the provinces. They went to the States in the vessel the last trip, in order to get settled up for the season's work, and generally remained there to man the fishing and other vessels of the Republic. Why, a very large proportion of the inhabitants of Gloucester and other fishing towns of Massachusetts and Maine were natives of some of the provinces of this Dominion. Now, with this treaty the inducements to give a preference to American vessels would be removed, and our own vessels would be able to select good hands, who would remain at home; the temptation to emigrate, as he had just explained, being removed. *He has heard it said that the consumer paid the duty. Now, whilst this might be the case with some articles, it was not so with the article of our fish. In our case in this business, our fishermen fished side by side with their American rivals, both carrying the proceeds of their catch to the same market, where our men had to contend against the free fish of the American fishermen. Let him illustrate this. An American and a provincial vessel took 500 barrels of mackerel each; both vessels were confined to the same market, where they sold at the same price. One had to pay a duty of \$1,000, while the other had not to do so. Who then paid the \$1,000? Most certainly not the purchaser or consumer, but the poor, hard-worked fisherman of this Dominion; for this \$1,000 was deducted from his account of sales. Those who contended that in this case the consumer paid the duty, ought to be able to show that, if the duty were taken off in the United States, the selling price there would be reduced by the amount of the duty. There was nothing in the nature or existing circumstances of the trade to cause any person who understands to believe that this would be the case; and therefore it would be seen that at present our fishermen labored under disadvantages, which made it almost impossible for them to compete with their rivals in the United States; and that the removal of the duty, as proposed by this treaty, would be a great boon, and enable them to do a good business where they now were but struggling, or doing a losing trade.*

In the same debate Dr. Tupper, of Halifax, said:

While in 1854 American fishermen were able to compete with Canadians, because they had no high taxes to pay, and the cost of outfit was much less than at present, the war and the burdens it had left behind had so changed their position in relation to this question, that every Canadian fisherman, who had the fish in the sea at his own door, with all the advantages of cheap vessels and cheap equipment, if he belonged (as no one doubted) to the same courageous and adventurous class as the Americans, would enter into the competition with an advantage of 40 or 50 per cent. in his favor. \* \* \* Who would say that the Canadian fisherman was deserving of any consideration, if he was not able, with that premium in his favor, to meet the competition, not only of the United States, but of the world? Why, then, instead of the treaty surrendering our fishermen and fisheries to the destructive competition of the foreigner, the result would be—and mark his words, the facts would soon show it—that the American fishermen who employed their industry in the waters of Canada would become like the American lumbermen who engaged in that trade in the valley of the Ottawa; they would settle upon Canadian soil, bringing with them their character for enterprise and energy; and would become equally good subjects of Her Majesty, would give this country the benefit of their talents and their enterprise and their capital. *Was there anybody who could doubt as to the effect of removing the duty which was now levied of two dollars per barrel upon mackerel and one dollar upon herrings, of taking off this enormous bounty in favor of the American fishermen, and leaving our fishermen free and unrestricted access to the best market for them in the world?* Was there any one who could doubt that the practical result would be to leave the Canadians, in a very short time, almost without any competition at all? The opposition for a long time held out the idea that Parliament and the government must protect the poor struggling and industrious fishermen of Nova Scotia and the other provinces against the operation of this treaty, which, it was held, would be ruinous to them in every way. Gradually, however, light began to break in upon them, until at last they discovered this extraordinary fact, that while the clauses of this treaty which related to Canada were held by every intelligent fisherman to be a great boon, as something which would take the taxes off them, and relieve them from hundreds of thousands of dollars tribute that they

were now compelled to pay to a foreign nation, the fishermen of the United States were, on the other hand, just as much averse to the treaty as our own people were anxious that it should be carried into effect. How different would the future be under this treaty from what it would certainly be if the present state of affairs were to continue! What was the result now? Why, many of our fishermen were compelled to go to the United States, abandoning their homes in Canada, in order to place themselves upon an equal footing with the Americans. The member for West Durham stated that, if Canada had continued the policy of exclusion, the American fisheries would very soon have utterly failed, and they would have been at our mercy. This was a great mistake. Last summer he went down in a steamer from Dalhousie to Pictou, and fell in with a fleet of thirty American fishing-vessels, which had averaged three hundred barrels of mackerel in three weeks, and had never been within ten miles of the shore.

**The Hon. S. Campbell, of Nova Scotia, said :**

Under the operation of the system that had prevailed since the repeal of the treaty of 1854, the fishermen of Nova Scotia had, to a large extent, become the fishermen of the United States. They had been forced to abandon their vessels and homes in Nova Scotia, and ship to American ports, there to become engaged in aiding the commercial enterprises of that country. It was a melancholy feature to see thousands of young and hardy fishermen compelled to leave their native land to embark in the pursuits of a foreign country, and drain their own land of that aid and strength which their presence would have secured. There was another evil in connection with this matter, that not only were they forced to aid in promoting the welfare of another country, but they were, by being so, gradually alienated from the land of their birth, and led to make unfortunate contrasts and comparisons, to the detriment of the country to which they belonged; because, in the country to which they departed, they derived benefits that were unattainable in their own. Another evil of the present state of things was the impediment thrown in the way of ship-building by the depression caused in the business of the country. While Nova Scotia had mechanics who were able to build vessels that would compete in every important respect with those built by our American neighbors, the commercial impediments thrown in the way of Americans fishing in Canadian waters had an injurious effect upon the ship-building interest. It had been said that the concessions obtained by the Dominion were not equivalent to the concessions which were granted to the United States. Upon that point he regarded what had been said by the Minister of Justice about the privileges of Canadians resorting to American waters for the purpose of procuring bait as being of great importance. He believed that to be a very valuable and of important concession. He did not regard the American inshore fisheries as of such little value as had been represented, for he knew that frequently American fishermen left our coast and resorted to their own waters, where they received a valuable recompense for changing their venue and base of operations. By the treaty of 1818 American fishing-vessels were not permitted to enter our harbors, except for the purpose of obtaining wood, water, and shelter. This limitation had produced a great deal of dissatisfaction, and did injustice to our shore population. During the reciprocity, those vessels were constantly in our waters, engaged in a mutually advantageous business with the merchants who lived on shore. Both parties desired a renewal of that relation, which would decidedly be to the advantage of Nova Scotia. It was because he desired to restore to the people of Nova Scotia the advantages of that reciprocal trade that he was ardently anxious for the ratification of this treaty. To use a phrase that had been employed on both sides of the House, his constituents had "set their hearts upon it"; and, as far as his voice and vote went, they would surely have it.

**Mr. Macdonald, of Nova Scotia, remarked :**

The honorable member for Halifax, who addressed the House a few days ago (Mr. Power) has told what effect the high duty on mackerel in the States has had on this hook-and-line fishing. The number of vessels fitted out for it from Lunenburg County has decreased from sixty to seventy under the Reciprocity Treaty. Until last year, not more than half a dozen ventured to engage in it, finding the high duties made it unprofitable. Last year nearly all that fine fleet of vessels, after returning from Labrador, instead of going out again for mackerel, were compelled to lay for the remainder of the season idly swinging at their anchors, in the harbors and coves around the coast; while the young men who should have formed their fishing crews were either compelled to remain at home or seek other employment elsewhere; some of them, perhaps, on board American vessels, where the fish they caught were worth more than if taken on board their own vessels, because they would be free of duty under the American flag. It was thus of vital importance to the fishing people of that county that the fishery articles of the treaty should be ratified; because they believed, and he judged they rightly believed, they would then be placed on a much better footing than they occupied at the present time. Not only were his constituents deeply interested, but the whole people of Nova Scotia were immediately concerned. He read from statistics to show the magnitude and importance of the fishing interest, the number of men it employed, and the value of the products. In 1853, the year before the commencement of the Reciprocity Treaty, the total value of the products of the fisheries in Nova Scotia was

something less than two millions of dollars, of which only about 30 per cent., or less than \$52,038 worth, found a market in the United States. In 1865, the total yield of the fisheries had risen, with various fluctuations, to an aggregate of nearly three and a half millions; and it was found that the exports to the States had not only kept pace with that aggregate increase, but had largely exceeded it, the exports to the States in that year being about 43 per cent. of the aggregate catch, or near a million and a half of dollars. Thus it would be seen that, under the old Reciprocity Treaty, our fishermen lost nothing by allowing their American neighbors to fish in our waters. On the contrary, they had gained in every way. The influence of a free market had acted as a stimulant on their energies; so that, although their fishing-grounds were shared by American fishermen, their total catch had increased 50 per cent.; and so beneficial was that free market found to be, that the exports to the States had increased over 150 per cent. in the twelve years. Nothing could more clearly establish the two important facts, that our fishermen have nothing to fear from fair competition with American fishermen in our own waters, and that the free access to the markets of that country is of the greatest possible importance to us. A comparison of the last three years of the Reciprocity Treaty with three years since its abrogation, shows that the exports of fish to the States have fallen off 7 per cent. since the treaty was abrogated—another proof of the value of that treaty to our fishermen. Give us this treaty, and what happened before will happen again. Give us a free market in the States, and the energies of our fishermen will be stimulated anew into life and activity, and an increased aggregate yield, together with a largely increased export to the States, would show that our people were fully equal to competing on fair terms in our own waters with their American neighbors.

There was one important consideration, which had been overlooked in weighing the advantages and disadvantages of the treaty; and that was that the admission of British vessels to fish in American waters would enable Americans to purchase vessels in provincial ports, where the cost of construction was much less than in the United States. It was true they would be unable to obtain American registers, but they could take out British registers.

The privilege given by the new treaty to vessels carrying the British flag to fish in the United States waters, it would be found, was no barren privilege, as has been asserted; for besides the privilege of fishing there, which our people might avail themselves of if they choose, we should now build fishing-vessels for our neighbors. The fishing-masters of Maine and Massachusetts, when they find that they can get as good vessel built in Lunenburg, or Shelburne, or Yarmouth, for \$5,000 as they can in Gloucester for \$8,000, will not be slow to avail themselves of the advantage thus placed within their reach; they will not throw away the extra cost of the vessel on any mere sentiment about the flag, when the less costly vessel will suit their purpose as well, and the flag of their own nation does not secure to them any special advantages. He considered this a very material point, and he believed that Americans would largely avail themselves of the opportunity which would thus be offered of obtaining vessels at much less cost than they now paid.

*The honorable gentleman knows that for the best brands of mackerel, No. 1 and No. 2, we had literally no market, except the United States; while for the inferior fish, No. 3, we had also a market there, as well as farther south.*

Remove the duty, as is proposed by the Washington treaty, and our fishermen will have these valuable fields of industry restored to them. He justified the statement made by the president of the council to the effect that the duty on pickled fish in the United States was equal to a tax of \$600,000 last year on the fishing industry of Nova Scotia. The member for Halifax (Mr. Jones) had denied this, and stated that the duty on mackerel and herring shipped to the States in 1871 was only about \$90,000. That was another of that gentleman's facts that was made to do duty for a misstatement. It was quite true that the duty on our fish exported to that market last year would only have amounted to about \$90,000; but that only proved that the duty was so nearly prohibitory as to prevent the export of larger quantities. He read from a return to show that the value of the fish caught in Nova Scotia last year amounted to over \$5,000,000. Of this quantity there were 228,152 barrels mackerel and 201,600 barrels herring, the duty on which, if shipped to the States, would be over \$650,000; so that the statement made by the president of the privy council was more than justified by the facts. If there was so small a proportion of this total sold in the States, it was because the duty was almost prohibitory. Remove the duty and the custom-house returns of fish shipped to that market will show a much larger result.

It will be observed that the foregoing extracts relate in part to other points than the value of the right which the Canadians have acquired, of free access to the markets of the United States. But it seems most convenient to present them together.

Evidence will be laid before the Commission conclusively showing that the remission of duties to the Canadian fishermen during the four years which have already elapsed under the operation of the treaty, has amounted to about \$400,000 annually. But this subject, by the British case, is disposed of summarily in two or three passing sen-

tences, under the head of the convenience of reciprocal free markets; in which it seems to be tacitly assumed, rather than expressly asserted, that the removal of the duty has inured to the benefit of the American fish consumers, and not the Canadian fishermen. Such a claim can be fully refuted in various ways. In point of fact, as will appear by proof, prices were not cheapened in the markets of the United States when the fishery clauses of the treaty took effect. And there has been no subsequent gain thus produced to the consumer. The reasons are obvious: the American catch has always fixed the price in the United States markets. It is four times as large as the importations from the British provinces, and the business is almost exclusively in American hands. Consequently, after the abrogation of the Reciprocity Treaty, the duties levied on fish and fish-oils at the custom-houses of the United States were a direct tax on Canadian fishermen, who could not add any part of the duties paid by them to the price of their shipments.

When a tax or duty is imposed upon only a small portion of the producers of any commodity from which the great body of its producers are exempt, such tax or duty necessarily remains a burden upon the producers of the smaller quantity, diminishing their profits, and cannot be added to the price and so distributed among the purchasers and consumers.

Statesmen of every age and nation have striven to secure to their people, by treaties, free access to large foreign markets. The British Government, Canadian statesmen, and the inhabitants of the maritime provinces, all regarded this right, under the Treaty of Washington, as "an inestimable boon."

The last four years have been a period of commercial depression all over the world. Nevertheless the benefits already reaped by the British provinces from the Treaty of Washington have been immense; and they are destined to increase during the next eight years in a rapid ratio of progression.

In recapitulation, the United States maintain:

First. That the province of this Commission is limited solely to estimating the value, to the inhabitants of the United States, of new rights accorded by the Treaty of Washington to the fisheries within the territorial waters of the British North American provinces on the Atlantic coast; which comprise only that portion of the sea lying within a marine league of the coast, and also the interior of such bays and inlets as are less than six miles wide between their headlands; while all larger bodies of water are parts of the free and open ocean, and the territorial line within them is to be measured along the contour of the shore, according to its sinuosities, and within these limits no rights existing under the convention of 1818 can be made the subject of compensation.

Second. That within these limits there are no fisheries, except for mackerel, which United States fishermen do or advantageously can pursue; and that, of the mackerel catch, only a small fractional part is taken in British territorial waters.

Third. That the various incidental and reciprocal advantages of the treaty, such as the privilegee of traffic, purchasing bait, and other supplies, are not the subject of compensation; because the Treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws, or the re-enactment of former oppressive statutes. Moreover, the treaty does not provide for any possible compensation for such privileges; and they are far more important and valuable to the subjects of Her Majesty than to the inhabitants of the United States.

Fourth. That the inshore fisheries along the coast of the United States north of the thirty-ninth parallel of north latitude are intrinsically fully as valuable as those adjacent to the British provinces: and that British fishermen can, and probably will, reap from their use as great advantages as the Americans have enjoyed, or are likely to enjoy, from the right to fish in British waters.

Fifth. That the right of importing fish and fish-oil into the markets of the United States is to British subjects a boon amounting to far more than an equivalent for any and all the benefits which the treaty has conferred upon the inhabitants of the United States.

Sixth. In respect to Newfoundland, the United States, under the Convention of 1818, en-

joyed extensive privileges. But there are no fisheries in the territorial waters of that island of which the Americans make any use. There, as everywhere else, the cod-fishery is followed in the open sea, beyond the territorial waters of Great Britain. No herring, mackerel, or other fishery is there pursued by Americans within the jurisdictional limits. The only practical connection of Newfoundland with the Treaty of Washington is the enjoyment, by its inhabitants, of the privilege of free importation of fish and fish-oil into the United States markets. The advantages of the treaty are all on one side—that of the islanders, who are immensely benefited by the opening of a valuable traffic, and by acquiring free access to a market of forty millions of people.

For the foregoing reasons, and others to be more fully developed in evidence and argument, the United States deny that this Commission ought to award any sum to the Government of Her Britannic Majesty; and assert that the advantages conferred on her subjects are vastly greater than any that have been or will be realized by the citizens of the United States under the fishery clauses of the Treaty of Washington.

DWIGHT FOSTER,  
*Agent of the United States Government.*



## APPENDIX C.

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### BRIEF FOR THE UNITED STATES UPON THE QUESTION OF THE EXTENT AND LIMITS OF THE INSHORE FISHERIES AND TERRITORIAL WATERS ON THE ATLANTIC COAST OF BRITISH NORTH AMERICA.

The articles relating to the fisheries in this treaty are the following :

#### ARTICLE XVIII.

It is agreed by the High Contracting Parties, that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish, on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided, that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery; and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are reserved exclusively for British fishermen.

#### ARTICLE XIX.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States, and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea-fishery; and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

#### ARTICLE XX.

It is agreed that the places designated by the Commissioners, appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the governments of the United States and of Her Britannic Majesty, as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commiss-

sion shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority, as the Commission appointed under the said first article of the treaty of the 5th of June, 1854.

#### ARTICLE XXI.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

#### ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty, that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

#### ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner; that is to say, one Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

Each of the High Contracting Parties shall also name one person to attend the Commission as its Agent, to represent it generally in all matters connected with the Commission.

#### ARTICLE XXIV.

The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of the organization of the Commission; and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months

may be extended for three months, in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

#### ARTICLE XXV.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary, and any other necessary officer or officers, to assist them in the transaction of the business which may come before them.

Each of the High Contracting Parties shall pay its own Commissioner and Agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

#### ARTICLE XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

#### ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States, on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and, further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other, at the end of the said period of ten years or at any time afterward.

By the Treaty of Paris (February 10, 1763) France yielded up to Great Britain all the possessions formerly held by her in North America, with the exception of some small islands; and Great Britain thus acquired the fisheries along the shores of the North American Provinces.

From that time until the Revolution, the citizens of the United States, being under the Government of Great Britain, enjoyed the fisheries equally with the other inhabitants of the British Empire.

By the treaty of 1783, in which the independence of the United States was recognized by Great Britain, the American fishermen were permitted to fish in the waters of the North American Provinces, and to use certain parts of their coast for drying and curing fish.

Article III of the treaty is as follows, viz:

It is agreed that the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank and on all other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that inhabitants of the United States shall have liberty to take fish of every kind on such part of the coasts of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island; and also on the coasts, bays, and creeks of all His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, as long as the same shall remain unsettled. But as soon as the same, or either of them, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

\* The fisheries were among the questions discussed by the Commissioners who framed the treaty of peace at the close of the war of 1812. The

United States Commissioners claimed that the treaty of 1783 conferred no new rights upon the United States; that it was merely an agreement as to a division of property, which took place on the division of the British Empire after the success of the American Revolution, and was in no respect abrogated by the war. The British Commissioners, on the other hand, held, that while the treaty of 1873 recognized the right of the United States to the deep-sea fisheries, it conferred privileges as to the inshore fisheries, and the use of the shores which were lost by declaration of war. The Commissioners were unable to come to an agreement, and the Treaty of Ghent, December 24, 1814, did not allude to the question of the fisheries, which remained unsettled.

Until the year 1818, the American fishermen carried on the fisheries as before the war of 1812, but were harassed and troubled by the British cruisers; and several were captured and carried into Halifax, for alleged infringement of the fishing laws, although the American government still claimed, under the treaty of 1783, the right to fish anywhere on the coasts of the British provinces. In a long correspondence with Lord Bathurst, Mr. John Quincy Adams maintains the claims of the United States. *American State Papers, Foreign Relations, vol. iii, page 732 et seq.* In 1818, Mr. Albert Gallatin, the minister to France, and Mr. Richard Rush, the minister to Great Britain, were empowered by the President to treat and negotiate with Great Britain concerning the fisheries, and other matters of dispute between the two governments. Mr. Frederick John Robinson and Mr. Henry Goulburn were the British Commissioners; and, after a long conference, the Convention of October 20, 1818, was agreed upon, the article of which concerning the fisheries and the subject of the present discussion is as follows, viz :

#### ARTICLE I.

Wherens differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties, that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of any kind, on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks, from Mount Joly on the southern coast of Labrador, to and through the straits of Belle Isle, and thence northwardly, indefinitely along the coast; and that the American fishermen shall also have the liberty for ever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereinbefore described, and of the coast of Labrador. But as soon as the same, or any portion thereof, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounces for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby secured to them.

The construction placed upon this article by the Government of the Dominion has been formerly : First, that American fishermen are thereby excluded from, and have given up all rights to, the fisheries in the large bays; such as the Bay of Fundy, the Bay of Chaleurs, and the Bay of Miramichi. Second, that a straight line should be drawn from head-

land to headland, across the mouths of all bays, gulfs, or indentations of the shore, and from this line the three marine miles mentioned in the convention should be measured; and that this was the limit within which the Americans were forbidden to prosecute the fisheries. On the other hand, the American Government has always insisted that the three-mile limit should follow the coast parallel to its sinuosities, and should be measured across the mouths of bays only when the distance from headland to headland did not exceed six miles.

After 1818 there appears to have been no correspondence between the two governments until 1824, and during these six years American fishermen used the fisheries in the Bay of Fundy, and more than three miles beyond the line of low-water mark along the shores, without molestation or interference.

In September, 1824, Mr. Brent writes to Mr. Addington, *chargé d'Affaires* from Great Britain :

I have the honor to transmit to you three memorials, from sundry citizens of the United States belonging to the State of Maine, accompanied by seven protests and affidavits, which exhibit the nature and extent of the facts referred to by the memorialists, complaining of the interruption which they have experienced, during the present season, in their accustomed and lawful employment of taking and curing fish in the Bay of Fundy and upon the Grand Banks by the British armed brig Dotterel, commanded by Captain Hoare, and another vessel, a provincial cutter of New Brunswick, acting under the orders of that officer; and earnestly soliciting the interposition of this government to procure them suitable redress.

This complaint of the American Government was caused by the seizure of two vessels, the Reindeer and the Ruby, on July 26, 1824, at Two-Island Harbor, Grand Menan. The correspondence does not show what the precise cause of the seizure was. The report of Captain Hoare merely says "infringing the treaty." These two vessels were afterward rescued by the fishermen and carried into the harbor of Eastport.

Afterward, in answer to this, February 19, 1825, Mr. Addington writes to Mr. Adams, Secretary of State :

It will, I trust, sir, most conclusively appear to you that the complainants have no just ground of accusation against the officers of the Dotterel, nor are entitled to reparation for the loss they have sustained; that, on the contrary, they rendered themselves, by the irregularity of their own conduct, justly obnoxious to the severity exercised against them, having been taken, some *flagrante delicto*, and others in such a position and under such circumstances as rendered it absolutely impossible that they could have had any other intention than that of pursuing their avocations as fishermen, within the lines laid down by treaty as forming boundaries within which such pursuit was interdicted to them.

The evidence regarding the seizure of these and various other American vessels is appended to this letter, and will be found in full, with the affidavits of the American seamen, in Senate Ex. Doc. No. 100, 32d Congress, 1st session.

The next correspondence was January, 1836, when Mr. Charles Bankhead, *chargé d'affaires*, writes to Mr. Forsyth concerning the encroachments "on the limits of the British fisheries carried on in the river and Gulf of St. Lawrence."

At this time a circular was issued by the Secretary of the Treasury to the American fishermen, enjoining them to observe the limits of the treaty, but without saying what these limits were. The claim of the provincial authorities to exclude American fishermen from the great bays, such as Fundy and Chaleurs, and also from a distance of three miles, determined by a line drawn from headland to headland across their mouths, was not attempted to be enforced until the years 1838 and 1839, when several of the American fishing vessels were seized by the British cruisers for fishing in the large bays. On July 10, 1839, Mr.

Vail, the acting Secretary of State, writes to Mr. H. S. Fox, complaining of seizures in the Bay of Fundy by the British Government vessel, the Victory.

A letter from Lieutenant-Commander Paine to Mr. Forsyth, Secretary of State, dated December 29, 1839, sums up the matters in dispute thus:

The authorities of Nova Scotia seem to claim a right to exclude Americans from all bays, including such large seas as the Bay of Fundy and the Bay of Chaleurs; and also to draw a line from headland to headland, the Americans not to approach within three miles of this line. The fishermen, on the contrary, believe they have a right to work anywhere, if not nearer than three miles from the land.

With the exception of the vessels seized in the Bay of Fundy, referred to in the letter from Mr. Vail, this construction of the clause in the treaty was not rigidly enforced. Indeed, the orders of Admiral Sir Thomas Hardy, as stated by himself, were only to prevent American vessels fishing nearer than three miles from shore.

In February, 1841, Mr. Forsyth writes to Mr. Stevenson, the American minister at St. James, desiring him to present formally to the British Government the demand of the United States in regard to the right of fishing off the Canadian coast.

*Mr. Forsyth to Mr. Stevenson, February 20, 1841.*

The first article of the Convention of 1818 between the United States and Great Britain, which contains the treaty stipulations relating to the subject, is so explicit in its terms that there would seem to be little room for misapprehending them; and, indeed, it does not appear that any conflicting questions of right between the two governments have arisen out of differences of opinion between them regarding the intent and meaning of this article. Yet in the actual application of the provisions of the treaty, committed, on the part of Great Britain, to the hands of subordinate agents, subject to and controlled by local legislation, difficulties growing out of individual acts have sprung up from time to time; and, of these, perhaps the most grave in their character are the recent seizures of American vessels made, it is believed, under color of a provincial law entitled William IV, chap. 8, 1836, enacted, doubtless, with a view rigorously to restrict, if not intended to directly aim a fatal blow at, our fisheries on the coast of Nova Scotia. From information in the possession of the department, it appears that the provincial authorities assume a right to exclude American vessels from all their bays, even including those of Fundy and Chaleurs, and to prohibit their approach within three miles of a line drawn from headland to headland.

Our fishermen believe—and they are obviously right in their opinion, if uniform practice is any evidence of correct construction—that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than three miles to land, and resort to their ports for shelter, wood, water, &c.; nor has this claim ever been seriously disputed, based as it is on the plain and obvious terms of the convention, while the construction attempted to be put upon that instrument by the authorities of Nova Scotia is directly in conflict with its provisions, and entirely subversive of the rights and interests of our citizens. It is one which would lead to the abandonment, to a great extent, of a highly important branch of American industry, and cannot for one moment be admitted by this government.

Mr. Stevenson, in his official note to Lord Palmerston, states the matter in dispute and the claims of the United States very strongly:

It also appears, from information recently received by the government of the United States, that the provincial authorities assume a right to exclude the vessels of the United States from all bays, even including those of Fundy and Chaleurs; and likewise to prohibit their approach within three miles of a line drawn from headland to headland, instead of from the indent of the shores of the provinces. They also assert the right of excluding them from British ports, except in actual distress; warning them to depart, or get under weigh and leave harbor, whenever the provincial custom-house or British naval officer shall suppose that they have remained a reasonable time, and this without a full examination of the circumstances under which they may have entered the port. Now, the fishermen of the United States believe—and it would seem that they are right in their opinion, if uniform practice is any evidence of correct construction—that they can with propriety take fish anywhere on the coasts of the British provinces, if not nearer than three marine miles from land, and have the right to resort to their ports for shelter, wood, and water; nor has this claim, it is believed, ever been

seriously disputed, based as it is on the plain and obvious terms of the convention. Indeed, the main object of the treaty was not only to secure to American fishermen, in the pursuit of their employment, the right of fishing, but likewise to insure them as large a proportion of the conveniences afforded by the neighboring coasts of British settlements as might be reconcilable with the just rights and interests of British subjects and the due administration of Her Majesty's dominions. The construction, therefore, which has been attempted to be put upon the stipulations of the treaty by the authorities of Nova Scotia is directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States. It is one, moreover, which would lead to the abandonment, to a great extent, of a highly important branch of American industry, which could not for a moment be admitted by the Government of the United States.

Lord Palmerston acknowledges the receipt of this note, and states that he has referred the matter to the Secretary of State for the Colonial Department. Here the matter rested, no definite understanding seeming to have arisen between the two governments.

On May 10, 1843, the American schooner Washington, belonging to Newburyport, Mass., was seized in the Bay of Fundy by an officer of the provincial customs, and carried into Yarmouth, Nova Scotia, on account of alleged violation of the provisions of the treaty. The Washington was, at the time of her seizure, within the Bay of Fundy, but distant ten miles from the shore, as appears from the deposition of William Bragg, one of her crew :

I further depose and say that at no time while I was on board said schooner did we, or any of us, take or attempt to take fish within ten miles of the coast of Nova Scotia, New Brunswick, or of the islands belonging to either of those provinces; that the place where said schooner was taken possession of as aforesaid was opposite to a place on the coast of Nova Scotia called *Gulliver's Hole*, and is distant from Annapolis Gut about fifteen miles, the said Gulliver's Hole being to the southwestward of said Annapolis Gut.

This seizure of the Washington was the cause of a special message of President Tyler to the United States Senate, February 28, 1845.

The correspondence between Mr. Everett, the American minister, and Lord Aberdeen shows the positions taken by the two governments.

*Mr. Everett to Lord Aberdeen, August 10, 1843.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit to the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers relating to the seizure, on the 10th of May last, on the coast of Nova Scotia, by an officer of the provincial customs, of the American fishing-schooner Washington, of Newburyport, in the State of Massachusetts, for an alleged infraction of the stipulations of the Convention of the 20th of October, 1818, between the United States and Great Britain.

It appears from the deposition of William Bragg, a seaman on board the Washington, that at the time of her seizure she was not within ten miles of the coast of Nova Scotia. By the first article of the convention alluded to, the United States renounce any liberty heretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish on or within three marine miles of any coast of Her Majesty's dominions in America for which express provision is not made in the said article. This renunciation is the only limitation existing on the right of fishing upon the coasts of Her Majesty's dominions in America secured to the people of the United States by the third article of the treaty of 1783.

The right, therefore, of fishing on any part of the coast of Nova Scotia, at a greater distance than three miles, is so plain, that it would be difficult to conceive on what ground it could be drawn in question, had not attempts been already made by the provincial authorities of Her Majesty's colonies to interfere with its exercise. These attempts have formed the subject of repeated complaints on the part of the Government of the United States, as will appear from several notes addressed by the predecessor of the undersigned to Lord Palmerston.

From the construction attempted to be placed, on former occasions, upon the first article of the treaty of 1818, by the colonial authorities, the undersigned supposes that the Washington was seized because she was found fishing in the Bay of Fundy, and on the ground that the lines within which American vessels are forbidden to fish are

to run from headland to headland, and not to follow the shore. It is plain, however, that neither the words nor the spirit of the convention admits of any such construction; nor, it is believed, was it set up by the provincial authorities for several years after the negotiation of that instrument. A glance at the map will show Lord Aberdeen that there is, perhaps, no part of the great extent of the sea-coasts of Her Majesty's possessions in America in which the right of an American vessel to fish can be subject to less doubt than that in which the Washington was seized.

For a full statement of the nature of the complaints which have, from time to time, been made by the Government of the United States against the proceedings of the colonial authorities of Great Britain, the undersigned invites the attention of Lord Aberdeen to a note of Mr. Stevenson, addressed to Lord Palmerston on the 27th March, 1841. The receipt of this note was acknowledged by Lord Palmerston on the 2d of April; and Mr. Stevenson was informed that the subject was referred by his lordship to the Secretary of State for the Colonial Department.

On the 28th of the same month, Mr. Stevenson was further informed by Lord Palmerston that he had received a letter from the Colonial Department, acquainting his lordship that Mr. Stevenson's communication would be forwarded to Lord Falkland, with instructions to inquire into the allegations contained therein, and to furnish a detailed report upon the subject. The undersigned does not find on the files of this legation any further communication from Lord Palmerston in reply to Mr. Stevenson's letter of the 27th March, 1841; and he believes that letter still remains unanswered.

In reference to the case of the Washington, and those of a similar nature which have formerly occurred, the undersigned cannot but remark upon the impropriety of the conduct of the colonial authorities in undertaking, without directions from Her Majesty's Government, to set up a new construction of a treaty between the United States and England, and in proceeding to act upon it by the forcible seizure of American vessels.

Such a summary procedure could only be justified by a case of extreme necessity, and where some grave and impending mischief required to be averted without delay. To proceed to the capture of vessels of a friendly power for taking a few fish within limits alleged to be forbidden, although allowed by the express terms of the treaty, must be regarded as a very objectionable stretch of provincial authority. The case is obviously one for the consideration of the two governments, and in which no disturbance of a right, exercised without question for fifty years from the treaty of 1783, ought to be attempted by any subordinate authority. Even Her Majesty's Government, the undersigned is convinced, would not proceed in such a case to violent measures of suppression without some understanding with the Government of the United States, or, in the failure of an attempt to come to an understanding, without due notice given of the course intended to be pursued.

The undersigned need not urge upon Lord Aberdeen the desirableness of an authoritative intervention on the part of Her Majesty's Government to put an end to the proceedings complained of. The President of the United States entertains a confident expectation of an early and equitable adjustment of the difficulties which have been now for so long a time under the consideration of Her Majesty's Government. This expectation is the result of the President's reliance upon the sense of justice of Her Majesty's Government, and the fact that, from the year 1818, the date of the convention, until some years after the attempts of the provincial authorities to restrict the rights of American vessels by colonial legislation, a practical construction was given to the first article of the convention in accordance with the obvious purport of its terms, and settling its meaning as understood by the United States.

The undersigned avails himself of this opportunity to tender to Lord Aberdeen the assurance of his distinguished consideration.

*Lord Aberdeen to Mr. Everett, April 15, 1844.*

Mr. Everett, in submitting this case, does not cite the words of the treaty, but states in general terms that, by the first article of said treaty, the United States renounce any liberty heretofore enjoyed or claimed by their inhabitants to take, dry, or cure fish on or within three miles of any of the coasts of Her Majesty's dominions in America. Upon reference, however, to the words of the treaty, it will be seen that American vessels have no right to fish, and, indeed, are expressly debarred from fishing, in any bay on the coast of Nova Scotia.

The words of the treaty of October, 1818, Article 1, run thus: "And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; that is, Newfoundland, Labrador, and other parts separate from Nova Scotia: Provided, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter," &c.

It is thus clearly provided that American fishermen shall not take fish within three marine miles of any bay of Nova Scotia, &c. If the treaty was intended to stipulate simply that American fishermen should not take fish within three miles of the coast of Nova Scotia, &c., there was no occasion for using the word "bay" at all. But the proviso at the end of the article shows that the word "bay" was used designedly; for it is expressly stated in the proviso that, under certain circumstances, the American fishermen may enter bays; by which it is evidently meant that they may, under those circumstances, pass the sea-line which forms the entrance of the bay. The undersigned apprehends that this construction will be admitted by Mr. Everett.

*Mr. Everett to Mr. Aberdeen, May 25, 1844.*

The undersigned had remarked, in his note of the 10th of August last, on the impropriety of the conduct of the colonial authorities in proceeding, in reference to a question of construction of a treaty pending between the two countries, to decide the question in their own favor, and, in virtue of that decision, to order the capture of the vessels of a friendly State. A summary exercise of power of this kind, the undersigned is sure, would never be resorted to by Her Majesty's Government, except in an extreme case, while a negotiation was in train on the point at issue. Such a procedure on the part of a local colonial authority is, of course, highly objectionable; and the undersigned cannot but again invite the attention of Lord Aberdeen to this view of the subject.

With respect to the main question, of the right of American vessels to fish within the acknowledged limits of the Bay of Fundy, it is necessary, for a clear understanding of the case, to go back to the treaty of 1783.

By this treaty it was provided that the citizens of the United States should be allowed "to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island; and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of that ground."

These privileges and conditions were, in reference to a country of which a considerable portion was then unsettled, likely to be attended with differences of opinion as to what should, in the progress of time, be accounted a settlement from which American fishermen might be excluded. These differences in fact arose; and, by the year 1818, the state of things was so far changed that Her Majesty's Government thought it necessary, in negotiating the convention of that year, entirely to except the Province of Nova Scotia from the number of the places which might be frequented by Americans, as being in part unsettled, and to provide that the fishermen of the United States should not pursue their occupation within three miles of the shores, bays, creeks, and harbors of that and other parts of Her Majesty's possessions similarly situated. The privilege reserved to American fishermen by the Treaty of 1783, of taking fish in all waters, and drying them on all the unsettled portions of the coast of these possessions, was accordingly, by the convention of 1818, restricted as follows:

"The United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of sheltering and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever."

The existing doubt as to the construction of the provision arises from the fact that a broad arm of the sea runs up to the northeast, between the provinces of New Brunswick and Nova Scotia. This arm of the sea, being commonly called the Bay of Fundy, though not in reality possessing all the characteristics usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among "the coasts, bays, creeks, and harbors" forbidden to American fishermen.

An examination of the map is sufficient to show the doubtful nature of this construction. It was notoriously the object of the article of the treaty in question to put an end to the difficulties which had grown out of the operations of the fishermen from the United States, along the coasts and upon the shores of the settled portions of the country; and, for that purpose, to remove their vessels to a distance not exceeding three miles from the same. In estimating this distance, the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast; and to consider its bays, creeks, and harbors—that is, the indentations usually so accounted—as included within that line. But the undersigned cannot admit it to

be reasonable, instead of thus following the general directions of the coast, to draw a line from the southwesternmost point of Nova Scotia to the termination of the north-eastern boundary between the United States and New Brunswick; and to consider the arms of the sea which will thus be cut off, and which cannot on that line be less than sixty miles wide, as one of the bays on the coast from which American vessels are excluded. By this interpretation, the fishermen of the United States would be shut out from the waters distant, not three, but thirty miles from any part of the colonial coast. The undersigned cannot perceive that any assignable object of the restriction imposed by the Convention of 1818 on the fishing privilege accorded to the citizens of the United States, by the Treaty of 1783, requires such a latitude of construction.

It is obvious that, by the terms of the treaty, the farthest distance to which fishing-vessels of the United States are obliged to hold themselves from the colonial coasts and bays is three miles. But, owing to the peculiar configuration of these coasts, there is a succession of bays indenting the shores both of New Brunswick and Nova Scotia, within any distance not less than three miles—a privilege from the enjoyment of which they will be wholly excluded—in this part of the coast, if the broad arm of the sea which flows up between New Brunswick and Nova Scotia is itself to be considered one of the forbidden bays.

Lastly—and this consideration seems to put the matter beyond doubt—the construction set up by Her Majesty's colonial authorities would altogether nullify another, and that a most important, stipulation of the treaty, about which there is no controversy, viz., the privileges reserved to American fishing-vessels of taking shelter and repairing damages in the bays within which they are forbidden to fish. There is, of course, no shelter nor means of repairing damages for a vessel entering the Bay of Fundy, in itself considered. It is necessary, before relief or succor of any kind can be had, to traverse that broad arm of the sea, and reach the bays and harbors (properly so called) which indent the coast, and which are no doubt the bays and harbors referred to in the Convention of 1818. The privilege of entering the latter in extremity of weather, reserved by the treaty, is of the utmost importance. It enables the fisherman, whose equipage is always very slender—that of the Washington was four men all told—to pursue his laborious occupation with comparative safety, in the assurance that, in one of the sudden and dangerous changes of weather so frequent and so terrible on this iron-bound coast, he can take shelter in a neighboring and friendly port. To forbid him to approach within thirty miles of that port, except for shelter in extremity of weather, is to forbid him to resort there for that purpose. It is keeping him at such a distance at sea as wholly to destroy the value of the privilege expressly reserved.

In fact, it would follow, if the construction contended for by the British colonial authorities were sustained, that two entirely different limitations would exist in reference to the right of shelter reserved to American vessels on the shores of Her Majesty's colonial possessions. They would be allowed to fish within three miles of the place of shelter along the greater part of the coast; while, in reference to the entire extent of shore within the Bay of Fundy, they would be wholly prohibited from fishing along the coast, and would be kept at a distance of twenty or thirty miles from any place of refuge in case of extremity. There are certainly no obvious principles which render such a construction probable.

In August, 1844, the American schooner Argus was seized while fishing off the coast of Cape Breton, under exactly similar circumstances with the seizure of the Washington.

Mr. Everett, at the request of the United States Government, called this seizure to the notice of the Earl of Aberdeen, and reiterates the arguments previously used with reference to the Washington:

*Mr. Everett to the Earl of Aberdeen, October 9, 1844.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit to the Earl of Aberdeen, Her Majesty's principal secretary of state for foreign affairs, the accompanying papers relating to the capture of an American fishing-vessel, the Argus, by a government cutter from Halifax, the Sylph, on the 6th of July last.

In addition to the seizure of the vessel, her late commander, as Lord Aberdeen will perceive from his deposition, complains of harsh treatment on the part of the captors.

The grounds assigned for the capture of this vessel are not stated with great distinctness. They appear to be connected partly with the construction set up by Her Majesty's provincial authorities in America that the line within which vessels of the United States are forbidden to fish is to be drawn from headland to headland, and not to follow the indentations of the coast, and partly with the regulations established by those authorities in consequence of the annexation of Cape Breton to Nova Scotia.

With respect to the former point, the undersigned deems it unnecessary, on this

occasion, to add anything to the observation contained in his note to Lord Aberdeen of the 25th of May, on the subject of limitations of the right secured to American fishing-vessels by the Treaty of 1783 and the Convention of 1818, in reply to the note of his lordship of the 15th of April on the same subject. As far as the capture of the Argus was made under the same authority of the act annexing Cape Breton to Nova Scotia, the undersigned would observe that he is under the impression that the question of the legality of that measure is still pending before the judicial committee of Her Majesty's privy council. It would be very doubtful whether rights secured to American vessels under public compact could, under any circumstances, be impaired by acts of subsequent domestic legislation; but to proceed to capture American vessels in virtue of such acts, while their legality is drawn in question by the home government, seems to be a measure as unjust as it is harsh.

Without enlarging on these views of the subject, the undersigned would invite the attention of the Earl of Aberdeen to the severity and injustice which in other respects characterize the laws and regulations adopted by Her Majesty's provincial authorities against the fishing-vessels of the United States. Some of the provisions of the provincial law in reference to the seizures which it authorizes of American vessels, were pronounced, in a note of Mr. Stevenson to Viscount Palmerston, of the 27th of March, 1841, to be "violations of well-established principles of the common law of England, and of the principles of the just laws of well-civilized nations"; and this strong language was used by Mr. Stevenson under the express instructions of his government.

A demand of security to defend the suit from persons so little able to furnish it as the captains of small fishing-schooners, and so heavy that, in the language of the consul at Halifax, "it is generally better to let the suit go by default," must be regarded as a provision of this description. Others still more oppressive are pointed out in Mr. Stevenson's note above referred to, in reference to which the undersigned finds himself obliged to repeat the remark made in his note to Lord Aberdeen of the 10th of August, 1843, that he believes it still remains unanswered.

It is stated by the captain of the Argus that the commander of the Nova Scotia schooner by which he was captured said that he was within three miles of the line beyond which, "on their construction of the treaty, we were a lawful prize, and that he seized us to settle the question."

The undersigned again feels it his duty, on behalf of his government, formally to protest against an act of this description. American vessels of trifling size, and pursuing a branch of industry of the most harmless description, which, however beneficial to themselves, occasions no detriment to others, instead of being turned off the debatable fishing-ground—a remedy fully adequate to the alleged evil—are proceeded against as if engaged in the most undoubted infractions of municipal law or the law of nations; captured and sent into port, their crews deprived of their clothing and personal effects, and the vessels subjected to a mode of procedure in the courts which amounts in many cases to confiscation; and this is done to settle the construction of a treaty.

A course so violent and unnecessarily harsh would be regarded by any government as a just cause of complaint against any other with whom it might differ in the construction of a national compact. But when it is considered that these are the acts of a provincial government, with whom that of the United States has and can have no intercourse, and that they continue and are repeated while the United States and Great Britain, the only parties to the treaty the purport of whose provisions is called in question, are amicably discussing the matter, with every wish on both sides to bring it to a reasonable settlement, Lord Aberdeen will perceive that it becomes a subject of complaint of the most serious kind.

As such, the undersigned is instructed again to bring it to Lord Aberdeen's notice, and to express the confident hope that such measures of redress as the urgency of the case requires will, at the instance of his lordship, be promptly resorted to.

**March 10, 1845,** Lord Aberdeen writes to Mr. Everett, informing him that, although the British Government still adhered to their previous construction of the treaty, and denied any right of American fishermen to fish within three miles of a line drawn from headland to headland across the mouths of the bays on the Canadian coast, yet the rule would be relaxed so far that American vessels would be permitted to fish in the Bay of Fundy at any part not less than three miles from shore, and "provided they do not approach, except in the cases specified in the treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick."

Mr. Everett, March 25, 1845, thanks Lord Aberdeen for "the amicable disposition evinced by Her Majesty's Government;" but he still main-

tains the American construction of the treaty; saying that he does this, not "for the sake of detracting from the liberality evinced by Her Majesty's Government in relaxing from what they regard as their right, but it would be placing his own government in a false position to accept as mere favor that for which they have so long and strenuously contended as due to them from the Convention."

In the case of the Washington, which formed the subject of the note of the undersigned of the 25th of May, 1844, to which the present communication of Lord Aberdeen is a reply, the capture complained of was in the waters of the Bay of Fundy. The principal portion of the argument of the undersigned was addressed to that part of the subject.

In the case, however, of the Argus, which was treated in the note of the undersigned of the 9th of October, the capture was in the waters which wash the northeastern coast of Cape Breton, a portion of the Atlantic Ocean intercepted, indeed, between a straight line drawn from Cape North to the northern head of Cow Bay, but possessing none of the characters of a bay (far less so than the Bay of Fundy), and not called a "bay" on any map which the undersigned has seen. The aforesaid line is a degree of latitude in length; and, as far as reliance can be placed on the only maps (English ones) in the possession of the undersigned on which this coast is distinctly laid down, it would exclude vessels from fishing-grounds which might be thirty miles from the shore.

But if Her Majesty's provincial authorities are permitted to regard as a "bay" any portion of the sea which can be cut off by a direct line connecting two points of the coast, however destitute in other respects of the character usually implied by that name, not only will the waters on the northeastern coast of Cape Breton, but on many other parts of the shores of the Anglo-American dependencies where such exclusion has not yet been thought of, be prohibited to American fishermen. In fact, the waters which wash the entire southeastern coast of Nova Scotia, from Cape Sable to Cape Canso, a distance on a straight line of rather less than three hundred miles, would in this way constitute a bay, from which United States fishermen would be excluded.

The undersigned, however, forbears to dwell on this subject, being far from certain, on a comparison of all that is said in the two notes of Lord Aberdeen of the 10th instant, as to the relaxation proposed by Her Majesty's Government, that it is not intended to embrace the waters of the northeastern coasts of Cape Breton, as well as the Bay of Fundy.

The British colonial fishermen possess considerable advantages over those of the United States. The remoter fisheries of Newfoundland and Labrador are considerably more accessible to the colonial than to the United States fishermen. The fishing-grounds on the coasts of New Brunswick and Nova Scotia, abounding in cod, mackerel, and herring, lie at the doors of the former. He is, therefore, able to pursue his avocation in a smaller class of vessels, and requires a smaller outfit; he is able to use the net and the seine to great advantage in the small bays and inlets along the coast from which the fishermen of the United States, under any construction of the treaty, are excluded.

All, or nearly all, the materials of shipbuilding—timber, iron, cordage, and canvas—are cheaper in the colonies than in the United States; as are salt, hooks, and lines. There is also a great advantage enjoyed by the former in reference to the supply of bait, and curing the fish. These and other causes have enabled the colonial fishermen to drive those of the United States out of many foreign markets, and might do so at home but for the protection afforded by the duties.

It may be added, that the highest duty on the kinds of fish that would be sent to American market is less than a half-penny per pound, which cannot do more than counterbalance the numerous advantages possessed by the colonial.

The undersigned supposes, though he has no particular information to that effect, that equal or higher duties exist in the colonies on the importation of fish from the United States.

The undersigned requests the Earl of Aberdeen to accept the assurance of his high consideration.

On the same date, March 25, 1845, Mr. Everett writes to Mr. Calhoun, reporting the communication of Lord Aberdeen granting American fishermen permission to fish in the Bay of Fundy:

You are aware that the construction of the first article of the Convention between Great Britain and the United States, of 1818, relative to the right of fishing in the waters of the Anglo-American dependencies, has long been in discussion between the two governments. Instructions on this subject were several times addressed by Mr. Forsyth to my predecessor, particularly in a dispatch of the 20th of February, 1841, which formed the basis of an able and elaborate note from Mr. Stevenson to Lord

Palmerston, of the 27th of the following month. Mr. Stevenson's representations were acknowledged, and referred by the Colonial Office to the provincial government of Nova Scotia; but no other answer was returned to them.

The exclusion of American fishermen from the waters of the Bay of Fundy was the most prominent of the grievances complained of on behalf of the United States. Having received instructions from the department in reference to the seizure of the Washington, of Newburyport, for fishing in the Bay of Fundy, I represented the case to Lord Aberdeen in a note of the 10th of August, 1843. An answer was received to this note on the 15th of April following; in which Lord Aberdeen confined himself to stating that, by the terms of the convention, the citizens of the United States were not allowed to fish within three miles of any bay upon the coast of the British American colonies, and could not, therefore, be permitted to pursue their avocation within the Bay of Fundy. I replied to this note on the 25th of May following, and endeavored to show that it was the spirit and design of the first article of the Convention of 1818 to reserve to the people of the United States the right of fishing within three miles of the coast. Some remarks on the state of the controversy at that time will be found in my dispatch No. 130, of the 26th of May last.

On the 9th of October last, in obedience to your instructions, No. 105, I addressed a note to Lord Aberdeen in reference to the case of the Argus of Portland, which was captured while fishing on St. Anne's Bank, off the northeastern coast of Cape Breton. The papers relative to this case left the precise grounds of the seizure of the Argus in some uncertainty. It was, however, sufficiently apparent that they were to some extent, at least, similar to those for which the Washington had been captured.

I received a few days since, and herewith transmit, a note from Lord Aberdeen, containing the satisfactory intelligence, that after a reconsideration of the subject, although the Queen's Government adhere to the construction of the convention which they have always maintained, they have still come to the determination of relaxing from it, so far as to allow American fishermen to pursue their avocations in the Bay of Fundy.

I thought it proper, in replying to Lord Aberdeen's note, to recognize in ample terms the liberal spirit evinced by Her Majesty's Government, in relaxing from what they consider their right. At the same time, I felt myself bound to say that the United States could not accept as a mere favor what they had always claimed as a matter of right, secured by the treaty.

*Mr. Everett to Mr. Buchanan, April 23, 1845.*

With my dispatch No. 278, of 25th March, I transmitted the note of Lord Aberdeen of the 10th of March, communicating the important information that this government had come to the determination to concede to American fishermen the right of pursuing their occupation within the Bay of Fundy. It was left somewhat uncertain, by Lord Aberdeen's note, whether this concession was intended to be confined to the Bay of Fundy, or to extend to other portions of the coast of the Anglo-American possessions, to which the principles contended for by the Government of the United States equally apply, and particularly to the waters on the northeastern shores of Cape Breton, where the Argus was captured. In my notes of the 25th ultimo and 2d instant, on the subject of the Washington and the Argus, I was careful to point out to Lord Aberdeen that all the reasons for admitting the right of Americans to fish in the Bay of Fundy apply to those waters, and with superior force, inasmuch as they are less landlocked than the Bay of Fundy; and to express the hope that the concession was meant to extend to them, which there was some reason to think, from the mode in which Lord Aberdeen expressed himself, was the case.

I received last evening the answer of his lordship, informing me that my two notes had been referred to the Colonial Office, and that a final reply could not be returned till he should be made acquainted with the result of that reference; and that, in the mean time, the concession must be understood to be limited to the Bay of Fundy.

The merits of the question are so clear, that I cannot but anticipate that the decision of the Colonial Office will be in favor of the liberal construction of the convention. In the mean time I beg leave to suggest, that, in any public notice which may be given that the Bay of Fundy is henceforth open to American fishermen, it should be carefully stated that the extension of the same privilege to the other great bays on the coast of the Anglo-American dependencies is a matter of negotiation between the two governments.

After an ineffectual attempt to induce the United States to conclude a Reciprocity Treaty with the British provinces, Mr. Crampton gave notice to the Secretary of State, Mr. Webster, July 5, 1852, that a force of war-steamer and sailing-vessels was coming to the fishing-grounds to prevent encroachments of vessels belonging to citizens of the United States on the fishing-grounds reserved to Great Britain.

August 23, 1852, the Provincial Secretary issued a notice, that "no American fishing-vessels are entitled to commercial privileges in provincial ports, but are subject to forfeiture if found engaged in traffic. The colonial collectors have no authority to permit freight to be landed from such vessels, which, under the convention, can only enter our ports for the purposes specified therein, and for no other."

Under the clauses of the Convention of February 8, 1853, the case of the "Washington" came before the Joint Commission for settlement of claims, in London, and, on the disagreement of the Commissioners, was decided by the umpire, Mr. Joshua Bates, in favor of the United States, on the ground that, by the construction of the treaty of 1818, the United States fishermen had the right to fish in the Bay of Fundy and the other bays of the coast of British North American Provinces, as long as they did not fish within three miles of the coast. The full text of the decision is as follows, viz:

Bates, Umpire :

The schooner Washington was seized by the revenue schooner Julia, Captain Darby, while fishing in the Bay of Fundy, ten miles from the shore, on the 10th of May, 1843, on the charge of violating the treaty of 1818. She was carried to Yarmouth, Nova Scotia, and there decreed to be forfeited to the crown by the judge of the vice-admiralty court, and, with her stores, ordered to be sold. The owners of the Washington claim for the value of the vessel and appurtenances, outfit, and damages, \$2,483, and for eleven years' interest, \$1,638, amounting together to \$4,121. By the recent reciprocity treaty, happily concluded between the United States and Great Britain, there seems no chance for any further dispute in regard to the fisheries.

It is to be regretted that, in that treaty, provision was not made for settling a few small claims of no importance in a pecuniary sense, which were then existing; but, as they have not been settled, they are now brought before this Commission.

The Washington fishing-schooner was seized, as before stated, in the Bay of Fundy, ten miles from the shore, off Annapolis, N.<sup>o</sup>va Scotia.

It will be seen by the treaty of 1783 between Great Britain and the United States that the citizens of the latter, in common with the subjects of the former, enjoyed the right to *take and cure* fish on the shores of all parts of Her Majesty's dominions in America used by British fishermen; but not to dry fish on the island of Newfoundland, which latter privilege was confined to the shores of Nova Scotia, in the following words: "And American fishermen shall have liberty to dry and cure fish on any of the unsettled bays, harbors, and creeks of Nova Scotia; but, as soon as said shores shall become settled, it shall not be lawful to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

The treaty of 1818 contains the following stipulations in relation to the fishery : "Whereas differences have arisen respecting the liberty claimed by the United States to *take, dry, and cure* fish on certain *coasts, harbors, and creeks* of His Britannic Majesty's dominions in America, it is agreed that the inhabitants of the United States shall have, in common with the subjects of His Britannic Majesty, the right to fish on certain portions of the southern, western, and northern coast of Newfoundland; and, also, on the coasts, bays, harbors, and creeks from Monnt Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle; and thence, northwardly, indefinitely along the coast; and that American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of said described coasts until the same become settled, and the United States renounce the liberty *heretofore enjoyed* or claimed by the inhabitants thereof to take, dry, or cure fish *on or within three marine miles* of any of the coasts, bays, creeks, and harbors of His Britannic Majesty's dominions in America, not included in the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therin, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved for them."

The question turns, so far as relates to the treaty stipulations, on the meaning given to the word "bays" in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and *bays* of Newfoundland; but they had that right on the shores, coasts, *bays, harbors, and creeks* of Nova Scotia; and, as they must land to cure fish on the shores, bays, and creeks, they were evidently admitted to the shores of the *bays*, &c. By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, &c., of Newfoundland; but the Americans relinquished that right, and

*the right to fish within three miles of the coasts, bays, &c., of Nova Scotia.* Taking it for granted that the framers of the treaty intended that the word "bay" or "bays" should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing ten miles from the shore, violated no stipulations of the treaty.

It was urged, on behalf of the British Government, that by "coasts," "bays," &c., is understood an imaginary line drawn along the coast from headland to headland, and that the jurisdiction of Her Majesty extends three marine miles outside of this line; thus closing all the bays on the coast or shore, and that great body of water called the Bay of Fundy, against Americans and others, making the latter a British bay. This doctrine of the headlands is new, and has received a proper limit in the convention between France and Great Britain of 2d of August, 1839;\* in which "it is agreed that the distance of three miles, fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland."

The Bay of Fundy is from 65 to 75 miles wide and 130 to 140 miles long; it has several bays on its coast; thus the word "bay," as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situated in the Atlantic Ocean. The conclusion is, therefore, in my mind, irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

The owners of the Washington, or their legal representatives, are, therefore, entitled to compensation; and are hereby awarded, not the amount of their claim (which is excessive), but the sum of \$3,000, due on the 15th of January, 1855.

The intention of the framers of the Convention of 1818 appears from a letter of Mr. Richard Rush, one of its negotiators, to the Secretary of State, July 18, 1853, referring to that instrument: "In signing it, we believed that we retained the right of fishing in the sea, whether called a bay, gulf, or by whatever term designated, that washed any part of the coast of the British North American Provinces, with the simple exception that we did not come *within a marine league* of the shore. We inserted the clause of renunciation. The British plenipotentiaries did not desire it."

The conclusion of the Reciprocity Treaty, June 5, 1854, rendered controversy of no importance, and disposed of all the other questions, for the time being. During the time when this treaty was in force, no complaints of any kind were made by the Canadians, who were fully satisfied that the benefits derived from the treaty were far more valuable than any loss they received from the using of their inshore fisheries by the Americans. The United States, however, perceiving that the value of the fisheries did not equal the loss of revenue from the duties on Canadian goods imported into the United States; and that the Canadian fishermen, by their nearness to the fishing grounds and the cheapness of labor and materials for building boats in the provinces, rendered unprofitable the prosecution of the fisheries by the Americans, gave notice, March 17, 1865, to abrogate the treaty in one year from the time of the notice.

April 12, 1866, the following instructions for the guidance of the naval officers on the coast of the North American Provinces were sent

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\* This convention between France and Great Britain extended the headland doctrine to bays ten miles wide; thus going beyond the general rule of international law, according to which no bays are treated as within the territorial jurisdiction of a State which are more than six miles wide on a straight line measured from one headland to the other.

from the Secretary of State for the Colonies to the Lords of the Admiralty :

Even before the conclusions of the Reciprocity Treaty, Her Majesty's Government had consented to forego the exercise of its strict right to exclude American fishermen from the Bay of Fundy; and they are of opinion that, during the present season, that right should not be exercised in the body of the Bay of Fundy; and that American fishermen should not be interfered with, either by notice or otherwise, unless they are found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width, in conformity with the arrangement made with France in 1839.

Her Majesty's Government do not desire that the prohibition to enter British bays should be generally insisted upon, except when there is reason to apprehend some substantial invasion of British rights. And, in particular, they do not desire American vessels to be prevented from navigating the Gut of Canso, from which Her Majesty's Government are advised they may lawfully be excluded, unless it shall appear that this permission is need to the injury of the colonial fishermen or for other improper objects.

The Canadian Government then resorted to the system of issuing licenses permitting American fishermen to fish in the inshore fisheries. The number of licenses taken out the first year, 1866, was 354, at fifty cents per ton. The license fee for the next year was one dollar per ton ; and the number of licenses diminished to 281. In 1868 the license fee was raised to two dollars per ton, and only 56 licenses were taken out. In 1869, only 25 licenses were taken out.

In 1870, the Canadian Government having decided to issue no more licenses to foreign fishermen, the following correspondence ensued between the two governments :

*Mr. Fish to Mr. Thornton, April 1, 1870.*

Information has reached this department to the effect that it was announced, on behalf of the Canadian minister, in the Parliament of the Dominion of Canada, on the 9th ultimo, that it was the intention of the government to issue no more licenses to foreign fishermen, and that they were taking every step possible to protect their fisheries.

*Mr. Thornton to Mr. Fish, April 2, 1870.*

In reply to your note of yesterday's date, I have the honor to inform you that, although I am aware of the announcement recently made by the Canadian Government of their intention to issue no more licenses to foreign fishermen, I have received no official information to that effect from the governor-general of Canada.

*Mr. Fish to Mr. Thornton, April 21, 1870.*

I have the honor to acknowledge the receipt of your note of the 14th instant. I must invite your attention, and that of Her Majesty's authorities, to the first paragraph of the order in council of the 8th of January last, as quoted in the memorandum of the prime minister of the Dominion of Canada, accompanying the dispatch of his excellency the governor-general ; which paragraph is in the following language, to wit : "That the system of granting fishing license to foreign vessels, under the act 31 Vict., c. 61, be discontinued, and that henceforth all foreign fishermen be prevented from fishing in the waters of Canada." The words underscored seem to contemplate an interference with the rights granted to the United States under the first article of the treaty of 1818, which secures to American fishermen the right of fishing in certain waters which are understood to be claimed at present as belonging to Canada.

*Mr. Thornton to Mr. Fish, April 22, 1870.*

I am forwarding a copy of your note to the governor-general of Canada ; but, in the mean time, I beg you will allow me to express my conviction that there was not the slightest intention in issuing the above-mentioned order to abridge citizens of the United States of any of the rights to which they are entitled by the treaty of October 20, 1818, and which are tacitly acknowledged in the Canadian law of May 22, 1868, a copy of which I had the honor to forward to you in my note of the 14th instant.

*Mr. Thornton to Mr. Fish, May 26, 1870.*

I have the honor to inclose, for the information of the Government of the United States, copies of letters which have been addressed by the admiralty to Vice-Admiral George G. Wellesley, commanding Her Majesty's naval forces on the North American and West Indies station, and of a letter from the colonial department to the foreign office, from which you will see the nature of the instructions to be given to Her Majesty's and the Canadian officers, who will be employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada.

*Mr. Rogers to the secretary of the admiralty, April 30, 1870.*

In Mr. Secretary Cardwell's letter to the Lords Commissioners of the Admiralty, of the 12th of April, 1866, it was stated that American vessels should not be seized for violating the Canadian fishing laws, "except after wilful and persevering neglect of the warnings which they may have received; and, in case it should become necessary to proceed to forfeiture, cases should, if possible, be selected for that extreme step in which the offense has been committed within three miles of the land."

The Canadian Government has recently determined, with the concurrence of Her Majesty's ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given, and seizing at once any vessel detected in violating the law.

In view of this change, and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their lordships to instruct the officers of Her Majesty's ships employed in the protection of the fisheries, that they are not to seize any vessel, unless it is evident and can be clearly proved that the offense of fishing has been committed, and the vessel itself captured within three miles of land.

**May 14, 1870,** the following instructions as to the jurisdiction were given by Mr. Peter Mitchell, Minister of Marine and Fisheries, to the officer in command of the government vessels engaged in the protection of the fisheries:

The limits within which you will, if necessary, exercise the power to exclude United States fishermen, or to detain American fishing vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question, whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast, and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbors. Her Majesty's Government are clearly of opinion, that, by the Convention of 1818, the United States have renounced the right of fishing, not only within three miles of the colonial shores, but within three miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce, any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width. In the case of any other bay—as the Bay of Chaleurs, for example—you will not admit any United States fishing vessel or boat, or any American fishermen, inside of a line drawn across at that part of such bay where its width does not exceed ten miles. (Sessional Papers, No. 12, 1871.)

This reassertion of the headland doctrine did not seem to meet the approval of the home government. June 6, 1870, Lord Granville telegraphs to the governor-general, "Her Majesty's Government hopes that the United States fishermen will not be for the present prevented from fishing, except within three miles of land, or in bays which are less than six miles broad at the mouth."

In consequence of this telegram, on June 27, 1870, Mr. Mitchell gives to the commanders of the government vessels new instructions, as follows :

The limits within which you will, if necessary, exercise the power to exclude United States fishermen, or to detain American fishing vessels or boats, are, for the present, to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to head-

land across the entrances of bays, creeks, or harbors. Her Majesty's Government are clearly of opinion that, by the Convention of 1818, the United States have renounced the right of fishing, not only within three miles of the colonial shores, but within three miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to conceive, nor for the present to enforce, any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen, unless found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which, though in parts more than six miles wide, is less than six geographical miles in width at its mouth. In the case of any other bay—as Bay des Chaleurs, for example—you will not interfere with any United States fishing-vessel or boat, or any American fishermen, unless they are found within three miles of the shore.

The true doctrine on the subject is laid down by the Government of Great Britain in a "Memorandum from the foreign office respecting a commission to settle the limits of the right of exclusive fishery on the coast of British North America." (Sessional Papers 7 to 19, vol. ii., No. 4, 1871.)

The right of Great Britain to exclude American fishermen from waters within three miles of the coast is unambiguous, and, it is believed, uncontested. But there appeared to be some doubt what are the waters described as within three miles of bays, creeks, and harbors. When a bay is less than six miles broad, its waters are within the three miles' limit, and therefore clearly within the meaning of the treaty; but when it is more than that breadth, the question arises whether it is a bay of Her Britannic Majesty's dominions. This is a question which has to be considered in each particular case with regard to international laws and usage. When such a bay, &c., is not a bay of Her Majesty's dominions, the American fishermen will be entitled to fish in it, except within three miles of the "coast"; when it is a bay of Her Majesty's dominions, they will not be entitled to fish within three miles of it, that is to say, it is presumed, within three miles of a line drawn from headland to headland.

The foregoing statement is accepted as an accurate and satisfactory definition of the rights of the two governments under the provisions of the Convention of 1818. *The question is, What are bays of Her Majesty's dominions?*

On this subject we will examine the authorities.

The latest and most authoritative expositions of the law of England as to what are territorial waters, and as to the extent of jurisdiction, for any purposes, beyond low-water mark, will be found in the case of the Franconia, decided in November, 1876, before all the judges of England. (*Queen v. Keys, L. R., 2 Exch. Div., 63.*)

The opinions of the different judges are a repertory of nearly all the learning, ancient and modern, English, American, and Continental, which could be collected from treatises and reports. The immediate question did not relate to headlands, but was whether the criminal jurisdiction of England extended to a crime committed by a foreigner on a foreign vessel within three miles of the English coast.

The case is remarkable for the unanimous and emphatic repudiation, by all the judges, of former English claims of jurisdiction or sovereignty over portions of the sea. All of the opinions should be read and studied by whoever desires to master the subject.

A few citations are subjoined. Sir Robert Phillimore says:

Whatever may have been the claims asserted by nations in times past—and perhaps no nation has been more extravagant than England in this matter—it is at the present time an unquestionable proposition of international jurisprudence, that the high seas are of right navigable by the ships of all states.

The question as to dominion over portions of the seas inclosed within headlands or contiguous shores, such as the King's Chambers, is not now under consideration. It is enough to say that within this term "territory" are certainly comprised the ports and harbors, and the space between the flux and reflux of tide, or the land up to the farthest point at which the tide recedes.

With respect to the second question, the distance to which the territorial waters extend, it appears, on an examination of the authorities, that the distance has varied

(setting aside even more extravagant claims) from one hundred to three miles, the present limit. \* \* \*

The sound conclusions which result from the investigations of the authorities which have been referred to appear to me to be these:

The *consensus* of civilized independent states has recognized a maritime extension or frontier to the distance of three miles from low-water mark, because such a frontier or belt of water is necessary for the defense and security of the adjacent state.

It is for the attainment of these particular objects that a dominion has been granted over this portion of the high seas.

**Lindley, J.,** expressed himself as follows:

The controversy between Grotius, in his "Mare Liberum," and Selden, in his "Mare Clausum," has been observed upon by almost every writer on international law since their day; and the result has been that, while the extravagant propositions contended for by each of these celebrated men have been long ago exploded, it appears to me to be now agreed, by the most esteemed writers on international law, that, subject to the right of all ships freely to navigate the high seas, every state has full power to enact and enforce what laws it thinks proper, for the preservation of peace and the protection of its own interests, over those parts of the high seas which adjoin its own coasts and are within three miles thereof; but that beyond this limit, or, at all events, beyond the reach of artillery on its own coasts, no state has any power to legislate, save over subjects and over persons on board ships carrying its flag.

It is conceded that even in time of peace the territoriality of a foreign merchant ship, within three miles of the coast of any state, does not exempt that ship or its crew from the operation of those laws of that state which relate to its revenue or fisheries.

**Grove, J.:**

The proposition that a belt or zone of three miles of sea surrounding or washing the shores of a nation, what is termed "territorial water," is the property of that nation, as a river flowing through its land would be, or, if not property, is subject to its jurisdiction and law, is not in its terms of ancient date; but this defined limit, so far, at least, as a maritime country like England is concerned, is rather a restriction than an enlargement of its earlier claims, which were at one time sought to be extended to a general dominion on the sea, and subsequently over the channels between it and other countries, or, as they were termed, "the narrow seas." The origin of the three-mile zone appears undoubted. It was an assumed limit to the range of cannon, an assumed distance at which a nation was supposed able to exercise dominion from the shore.

The principal authorities may be conveniently arranged as follows:

1. Those who affirm the right, in what are generally termed "territorial waters," to extend at least to the distance at which it can be commanded from the shore, or as far as arms can protect it.
2. Those who, assigning the same origin to the right, recognized it as being fixed at a marine league, or three geographical miles, from the shore.
3. Those who affirm the right to be absolute and the same as over an inland lake, or (allowing for the difference of the subject-matter) as over the land itself.
4. Those who regard the right as qualified.

And the main, if not only, qualification that seems to me fairly deducible from the authorities is, that there is a right of transit or passage, and, as incident thereto, possibly a right of anchorage, when safety or convenience of navigation requires it, in the territorial waters, for foreign ships.

Pfendorf, Bynkershoek, Casaregia, Mozer, Azuni, Klüber, Wheaton, Hautefeuille, and Kaltenborn, though not all placing the limit of territorial jurisdiction at the same distance from the shore, none of them fix it at a smaller distance than a cannon-shot, or as far off as arms can command it. They also give no qualification to the jurisdiction, but seem to regard it as if (having regard to the difference of land and water) it were an absolute territorial possession. Chancellor Kent seems also to recognize an exclusive dominion. Hautefeuille speaks of the power of a nation to exclude others from the parts of the sea which wash its territory, and to punish them for infraction of its laws, and this as if it were dealing with its land dominion.

Wheaton, Calvo, Halleck, Massey, Bishop, and Manning give the limit as a marine league, or three miles. Heffter mentions this limit, but says it may be extended. Ortolan, Calvo, and Massé put the right as one of jurisdiction, and not of property, but do not limit it further than that the former writer says that the laws of police and surety are there obligatory, and Massé also writes of police jurisdiction. Blaustachli says the territorial waters are subject to the military and police authorities of the place. Fanstin Helie speaks of crimes in these waters coming within the jurisdiction of the tribunals of the land to which they belong. Unless these words, "military, police, and surety," be taken to impose a limit, no limit to the jurisdiction of a country over its territorial waters, beyond a right of passage for foreign ships, is mentioned, as far as I could gather from the numerous authorities cited, except by Mr. Manning, who

confines it (though not by words expressly negativing other rights) to fisheries, customs, harbors, light-houses, dues, and protection of territory during war. Grotius, Ortolan, Bluntschli, Schmautz, and Massé consider there is a right of peaceable passage for the ships of other nations; and Vattel says that it is the duty of nations to permit this, but seems to think that, as a matter of absolute right, they may prohibit it.

Such are the conclusions of the principal publicists, most of whom are of very high authority on questions of international law.

The result of them is to show that, as in the case of many other rights, a territorial jurisdiction over a neighboring belt of sea had its origin in might, its limits being at first doubtful and contested; but ultimately, by a concession or comity of nations, it became fixed at what was for a long time the supposed range of a cannon-shot, viz., three miles' distance.

In addition to the authority of the publicists, this three-mile range, if not expressly recognized as an absolute boundary by international law, is yet fixed on, apparently without dispute, in acts of Parliament, in treaties, and in judgments of courts of law in this country and America.

Brett, J., uses the following language:

What are the limits of the realm should, in general, be declared by Parliament. Its declaration would be conclusive, either as authority or evidence. But, in this case of the open sea there is no such declaration; and the question is in this case necessarily left to the judges, and to be determined on other evidence or authority. Such evidence might have consisted of proof of a continuous public claim by the crown of England, enforced, when practicable, by arms, but not consented to by other nations. I should have considered such proof sufficient for English judges. In England, it cannot be admitted that the limits of England depend on the consent of any other nation. But no such evidence was offered. The only evidence suggested in this case is, that by law of nations every country bordered by the sea is to be held to have, as part of its territory (meaning thereby a territory in which its law is paramount and exclusive), the three miles of open sea next to its coast; and, therefore, that England, among others, has such territory. The question on both sides has been made to depend on whether such is or is not proved to be the law of nations.

I cannot but think, therefore, that substantially all the foreign jurists are in accord in asserting that, by the common consent of all nations, each which is bordered by an open sea has over three adjacent miles of it a territorial right. And the sense in which they all use that term seems to me to be fully explained by Vattel (lib. i, c. 18, § 295). He says:

"Lorsqu'une nation s'empare d'un pays qui n'appartient encore à personne, elle est censée y occuper l'empire, ou la souveraineté, en même temps que le domaine. Tout l'espace dans lequel une nation étend son empire forme le ressort de sa juridiction, et s'appelle son territoire." At lib. ii, § 84: "L'empire, uni au domaine, établit la juridiction de la nation dans le pays qui lui appartient, dans son territoire."

This seems plain; sovereignty and dominion necessarily give or import jurisdiction, and do so throughout the territory.

Applying this to the territorial sea, at lib. i, c. 23, § 295, he says:

"Quand une nation s'empare de certaines parties de la mer, elle y occupe l'empire aussi bien que le domaine, &c. Ces parties de la mer sont de la juridiction du territoire de la nation. Le souverain y commande; il y donne des lois, et peut reprimer ceux qui les violent; en un mot il y a tous les mêmes droits qui lui appartiennent sur la terre," &c.

It seems to me that this is, in reality, a fair representation of the accord or agreement of substantially all the foreign writers on international law; and that they all agree in asserting that, by the consent of all nations, each which is bordered by open sea has a right over such adjacent sea as a territorial sea; that is to say, as a part of its territory; and that they all mean thereby to assert that it follows, as a consequence of such sea being a part of its territory, that each such nation has, in general, the same right to legislate and to enforce its legislation over that part of the sea as it has over its land territory.

Considering the authorities I have cited, the terms used by them, wholly inconsistent, as it seems to me, with the idea that the adjacent country has no property, no dominion, no sovereignty, no territorial right, and considering the necessary foundation of the admitted rights and duties of the adjacent country, as to neutrality, which have always been made to depend on a right and duty as to its territory, I am of opinion that it is proved that by the laws of nations, made by the tacit consent of substantially all nations, the open sea within three miles of the coast is a part of the adjacent nation, as much and as completely as if it were land and a part of the territory of such nation. By the same evidence which proves this proposition, it is equally proved that every nation which possesses this water territory has agreed with all other nations that all shall have the right of free navigation to pass through such water territory, if such navigation be with an innocent or harmless intent or purpose. The right of free

navigation cannot, according to ordinary principles, be withdrawn without common consent; but it by no means derogates from the sovereign authority over all its territory of the state which has agreed to grant this liberty or easement or right to all the world.

Lord Chief Justice Cockburn delivered the judgment of the court, from which the following passages are extracted:

By the old common law of England every offense was triable in the county only in which it had been committed, as from that county alone the "paix," as it was termed, in other words, the jurors by whom the fact was to be ascertained, could come. But only so much of the land of the outer coast as was uncovered by the sea was held to be within the body of the adjoining county. If an offense was committed in a bay, gulf, or estuary, *inter fauces terræ*, the common law could deal with it, because the parts of the sea so circumstanced were held to be within the body of the adjacent county or counties; but, along the coast, on the external sea, the jurisdiction of the common law extended no further than to low-water mark.

The jurisdiction of the admiral, however largely asserted in theory in ancient times, being abandoned as untenable, it becomes necessary for the counsel for the Crown to have recourse to a doctrine of comparatively modern growth, namely, that a belt of sea, to a distance of three miles from the coast, though so far a portion of the high seas as to be still within the jurisdiction of the admiral, is part of the territory of the realm, so as to make a foreigner in a foreign ship, within such belt, though on a voyage to a foreign port, subject to our law, which it is clear he would not be on the high sea beyond such limit. It is necessary to keep the old assertion of jurisdiction and that of to-day essentially distinct; and it should be borne in mind that it is because all proof of the actual exercise of any jurisdiction by the admiral over foreigners in the narrow seas totally fails that it becomes necessary to give to the three-mile zone the character of territory, in order to make good the assertion of jurisdiction over the foreigner therein.

Now, it may be asserted without fear of contradiction, that the position that the sea within the belt or zone of three miles from the shore, as distinguished from the rest of the open sea, forms part of the realm or territory of the Crown, is a doctrine unknown to the ancient law of England, and which has never yet received the sanction of an English criminal court of justice. It is true that from an early period the kings of England, possessing more ships than their opposite neighbors, and being thence able to sweep the channel, asserted the right of sovereignty over the narrow seas, as appears from the commissions issued in the fourteenth century, of which examples are given in the 4th Institute, in the chapter on the court of admiralty, and others are to be found in Selden's "Mare Clausum," book 2. At a later period still more extravagant pretensions were advanced. Selden does not scruple to assert the sovereignty of the King of England over the sea as far as the shores of Norway; in which he is upheld by Lord Hale in his treatise "De Jure Maria." (Hargrave's Law Tracts, p. 10.)

All these vain and extravagant pretensions have long since given way to the influence of reason and common sense. If, indeed, the sovereignty thus asserted had a real existence, and could now be maintained, it would of course, independently of any questions as to the three-mile zone, be conclusive of the present case. But the claim to such sovereignty, at all times unfounded, has long since been abandoned. No one would now dream of asserting that the sovereign of these realms has any greater right over the surrounding seas than the sovereigns on the opposite shores; or that it is the especial duty and privilege of the Queen of Great Britain to keep the peace in these seas; or that the Court of Admiralty could try a foreigner for an offense committed in a foreign vessel in all parts of the channel.

The consensus of jurists, which has been so much insisted on as authority, is perfectly unanimous as to the non-existence of any such jurisdiction. Indeed, it is because this claim of sovereignty is admitted to be untenable that it has been found necessary to resort to the theory of the three-mile zone. It is in vain, therefore, that the ancient assertion of sovereignty over the narrow seas is invoked to give countenance to the rule now sought to be established, of jurisdiction over the three-mile zone. If this rule is to prevail, it must be on altogether different grounds. To invoke as its foundation or in its support an assertion of sovereignty, which, for all practical purposes, is, and always has been, idle and unfounded, and the invalidity of which renders it necessary to have recourse to the new doctrine, involves an inconsistency on which it would be superfluous to dwell. I must confess myself unable to comprehend how, when the ancient doctrine as to sovereignty over the narrow seas is adduced, its operation can be confined to the three-mile zone. If the argument is good for anything, it must apply to the whole of the surrounding seas. But the counsel for the Crown evidently shrank from applying it to this extent. Such a pretension would not be admitted or endured by foreign nations. That it is out of this extravagant assertion of sovereignty that the doctrine of the three-mile jurisdiction, asserted on the part of the Crown, and which, the older claim being necessarily abandoned, we are now called upon to consider, has sprung up, I readily admit.

From the review of these authorities, we arrive at the following results. There can be no doubt that the suggestion of Bynkershoek, that the sea surrounding the coast to the extent of cannon-range should be treated as belonging to the state owning the coast, has, with but very few exceptions, been accepted and adopted by the publicists who have followed him during the last two centuries. But it is equally clear that, in the practical application of the rule in respect of the particular of distance, as also in the still more essential particular of the character and degree of sovereignty and dominion to be exercised, great difference of opinion and uncertainty have prevailed, and still continue to exist.

As regards distance, while the majority of authors have adhered to the three-mile zone, others, like M. Ortolan and Mr. Hallock, applying with greater consistency the principle on which the whole doctrine rests, insist on extending the distance to the modern range of cannon—in other words doubling it. This difference of opinion may be of little practical importance in the present instance, inasmuch as the place at which the offense occurred was within the lesser distance; but it is, nevertheless, not immaterial, as showing how unsettled this doctrine still is. The question of sovereignty, on the other hand, is all-important. And here we have every shade of opinion.

One set of writers, as, for instance, M. Hautefeuille, ascribe to the state territorial property and sovereignty over the three miles of sea, to the extent of the right of excluding the ships of all other nations, even for the purpose of passage; a doctrine flowing immediately from the principle of territorial property, but which is too monstrous to be admitted. Another set concede territorial property and sovereignty, but make it subject to the right of other nations to use these waters for the purpose of navigation. Others again, like M. Ortolan and M. Calvo, deny any rights of territorial property, but concede "jurisdiction"; by which I understand them to mean the power of applying the law, applicable to persons on the land, to all who are within the territorial water, and the power of legislating in respect of it, so as to bind every one who comes within the jurisdiction, whether subjects or foreigners. Some, like M. Ortolan, would confine this jurisdiction to purposes of "safety and police"; by which I should be disposed to understand measures for the protection of the territory, and for the regulation of the navigation and the use of harbors and roadsteads, and the maintenance of order among the shipping therein, rather than the general application of the criminal law.

Other authors—for instance, Mr. Manning—would restrict the jurisdiction to certain specified purposes in which the local state has an immediate interest; namely, the protection of its revenue and fisheries, the exacting of harbor and light dues, and the protection of its coasts in time of war.

Some of these authors—for instance, Professor Bluntschli—make a most important distinction between a commorant and a passing ship. According to this author, while the commorant ship is liable to the local jurisdiction only in matters of "military and police regulations made for the safety of the territory and population of the coast," none of these writers, it should be noted, discuss the question whether, or go the length of asserting that, a foreigner in a foreign ship, using the waters in question for the purpose of navigation solely, on its way to another country, is liable to the criminal law of the adjoining country for an offense committed on board.

To those who assert that, to the extent of three miles from the coast, the sea forms part of the realm of England, the question may well be put, When did it become so? Was it so from the beginning? It certainly was not deemed to be so as to a three-mile zone, any more than as to the rest of the high seas, at the time the statutes of Richard II were passed. For in those statutes a clear distinction is made between the realm and the sea, as also between the bodies of counties and the sea; the jurisdiction of the admiral being (subject to the exception already stated as to murder and mayhem) confined strictly to the latter, and its exercise "within the realm" prohibited in terms. The language of the first of these statutes is especially remarkable: "The admirals and their deputies shall not meddle from henceforth with any thing done within the realm of England, but only with things done upon the sea."

It is impossible not to be struck by the distinction here taken between the realm of England and the sea; or, when the two statutes are taken together, not to see that the term "realm," used in the first statute, and "bodies of counties," the term used in the second statute, mean one and the same thing. In these statutes, the jurisdiction of the admiral is restricted to the high seas, and, in respect of murder and mayhem, to the great rivers below the bridges; while whatever is within the realm, in other words, within the body of a county, is left within the domain of the common law. But there is no distinction taken between one part of the high sea and another. The three-mile zone is no more dealt with as within the realm than the seas at large. The notion of a three-mile zone was in those days in the womb of time. When its origin is traced, it is found to be of comparatively modern growth.

For centuries before it was thought of, the great landmarks of our judicial system had been set fast; the jurisdiction of the common law over the land, and the inland waters contained within it, forming together the realm of England; that of the

admiral over English vessels on the seas, the common property or highway of mankind.

But to what, after all, do these ancient authorities amount? Of what avail are they towards establishing that the soil in the three-mile zone is part of the territorial domain of the Crown! These assertions of sovereignty were manifestly based on the doctrine that the narrow seas are part of the realm of England. But that doctrine is now exploded. Who at this day would venture to affirm that the sovereignty thus asserted in those times now exists? What English lawyer is there who would not shrink from maintaining, what foreign jurist who would not deny, what foreign government which would not repel, such a pretension! I listened carefully to see whether any such assertion would be made; but none was made. No one has gone the length of suggesting, much less of openly asserting, that the jurisdiction still exists. It seems to me to follow, that, when the sovereignty and jurisdiction from which the property in the soil of the sea was inferred is gone, the territorial which was suggested to be consequent upon it must necessarily go with it.

But we are met here by a subtle and ingenious argument. It is said that, although the doctrine of the criminal jurisdiction of the admiral over foreigners on the four seas has died out and can no longer be upheld, yet, as now, by the consent of other nations, sovereignty over this territorial sea is conceded to us, the jurisdiction formerly asserted may be revived and made to attach to the newly-acquired domain. I am unable to adopt this reasoning. *Ex concessis*, the jurisdiction over foreigners in foreign ships never really existed; at all events, it has long been dead and buried; even the ghost of it has been laid. But it is evoked from its grave, and brought to life, for the purpose of applying it to a part of the sea which was included in the whole, as to which it is now practically admitted that it never existed. From the time the jurisdiction was asserted to the time when the pretension to it was dropped, it was asserted over this portion of the sea as part of the whole, to which the jurisdiction was said to extend. If it was bad as to the whole indiscriminately, it was bad as to every part of the whole. But why was it bad as to the whole? Simply because the jurisdiction did not extend to foreigners in foreign ships on the high seas. But the waters in question have always formed part of the high seas. They are alleged in this indictment to be so now. How, then, can the admiral have the jurisdiction over them contended for, if he had it not before? There having been no new statute conferring it, how has he acquired it?

First, then, let us see how the matter stands as regards treaties. It may be asserted, without fear of contradiction, that the rule that the sea surrounding the coast is to be treated as a part of the adjacent territory, so that the State shall have exclusive dominion over it, and that the law of the latter shall be generally applicable to those passing over it in the ships of other nations, has never been made the subject-matter of any treaty, or, as matter of acknowledged right, has formed the basis of any treaty, or has even been the subject of diplomatic discussion. It has been entirely the creation of the writers on international law. It is true that the writers who have been cited constantly refer to treaties in support of the doctrine they assert. But when the treaties they refer to are looked at, they will be found to relate to two subjects only—the observance of the rights and obligations of neutrality, and the exclusive right of fishing. In fixing the limits to which these rights should extend, nations have so far followed the writers on international law as to adopt the three-mile range as a convenient distance. There are several treaties by which nations have engaged, in the event of either of them being at war with a third, to treat the sea within three miles of each other's coasts as neutral territory, within which no warlike operations should be carried on, instances of which will be found in the various treaties on international law.

Again, nations possessing opposite or neighboring coasts, bordering on a common sea, have sometimes found it expedient to agree that the subjects of each shall exercise an exclusive right of fishing to a given distance from their own shores, and here, also, have accepted the three-mile as a convenient distance. Such, for instance, are the treaties made between this country and the United States in relation to the fishery off the coast of Newfoundland, and those between this country and France in relation to the fishery on their respective shores; and local laws have been passed to give effect to these engagements.

But in all these treaties this distance is adopted, not as a matter of existing right established by the general law of nations, but as matter of mutual concession and convention. Instead of upholding the doctrine contended for, the fact of these treaties having been entered into has rather the opposite tendency; for it is obvious that, if the territorial right of a nation bordering on the sea to this portion of the adjacent waters had been established by the common assent of nations, these treaty arrangements would have been wholly superfluous. Each nation would have been bound, independently of treaty engagement, to respect the neutrality of the other in these waters as much as in its inland waters. The foreigner invading the rights of the local fishermen would have been amenable, consistently with international law, to

local legislation prohibiting such infringement, without any stipulation to that effect by treaty. For what object, then, have treaties been resorted to? Manifestly in order to obviate all questions as to concurrent or conflicting rights arising under the law of nations. Possibly, after these precedents and all that has been written on this subject, it may not be too much to say that, independently of treaty, the three-mile belt of sea might at this day be taken as belonging, for these purposes, to the local state.

So much for treaties. Then how stands the matter as to usage, to which reference is so frequently made by the publicists in support of their doctrine? When the matter is looked into, the only usage found to exist is such as is connected with navigation, or with revenue, local fisheries, or neutrality; and it is to these alone that the usage relied on is confined.

It may well be, I say again, that, after all that has been said and done in this respect, after the instances which have been mentioned of the adoption of the three-mile distance, and the repeated assertion of this doctrine by the writers on public law, a nation which should now deal with this portion of the sea as its own, so as to make foreigners within it subject to its law, for the prevention and punishment of offenses, would not be considered as infringing the rights of other nations. But I apprehend that, as the ability so to deal with these waters would result, not from any original or inherent right, but from the acquiescence of other states, some outward manifestation of the national will, in the shape of open practice or municipal legislation, so as to amount, at least constructively, to an occupation of that which was before unappropriated, would be necessary to render the foreigner not previously amenable to our general law subject to its control.

And this brings me to the second branch of the argument, namely, that the jurisdiction having been asserted as to the narrow seas at the time the statute passed, it must be taken to have been transferred by the statute. The answer to such a contention is that, no reference being made in the statute to this now exploded claim of sovereignty, we must read the statute as having transferred—as, indeed, it could alone transfer—such jurisdiction only as actually existed. Jurists are now agreed that the claim to exclusive dominion over the narrow seas, and consequent jurisdiction over foreigners for offenses committed thereon, was extravagant and unfounded, and the doctrine of the three-mile jurisdiction has taken the place of all such pretensions. In truth, though largely asserted in theory, the jurisdiction was never practically exercised in respect of foreigners.

Hitherto, legislation, so far as relates to foreigners in foreign ships in this part of the sea, has been confined to the maintenance of neutral rights and obligations, the prevention of breaches of the revenue and fishery laws, and, under particular circumstances, to cases of collision. In the two first, the legislation is altogether irrespective of the three-mile distance, being founded on a totally different principle, namely, the right of a State to take all necessary measures for the protection of its territory and rights, and the prevention of any breach of its revenue laws.

Such are the general principles of English law to-day as laid down by the Chief Justice of England. The jurisdiction of a state or country over its adjoining waters is limited to three miles from low-water mark along its sea coast, and the same rule applies equally to bays and gulfs whose width exceeds six miles from headland to headland. Property in and dominion over the sea can only exist as to those portions capable of permanent possession; that is, of a possession from the land, which possession can only be maintained by artillery. At one mile beyond the reach of coast-guns there is no more possession than in mid-ocean. This is the rule laid down by almost all the writers on international law, a few extracts from whom we proceed to quote:

At present [says Vattel, Law of Nations, book 1, ch. xxiii, §§ 289, 291] the whole space of the sea within cannon-shot of the coast is considered as making a part of the territory; and, for that reason, a vessel taken under the guns of a neutral fortress is not a good prize.

All we have said of the parts of the sea near the coast may be said more particularly, and with much greater reason, of the roads, bays, and straits, as still more capable of being occupied, and of greater importance to the safety of the country. But I speak of the bays and straits of small extent, and not of those great parts of the sea to which these names are sometimes given—as Hudson's Bay and the Straits of Magellan—over which the empire cannot extend, and still less a right of property. A bay whose entrance may be defended may be possessed and rendered subject to the laws of the sovereign; and it is of importance that it should be so, since the country may be much more easily insulted in such a place than on the coast, open to the winds and the impetuosity of the waves.

Professor Bluntschli, in his Law of Nations (book 4, §§ 302, 309), states the rule in the same way:

When the frontier of a state is formed by the open sea, the part of the sea over which the state can from the shore make its power respected—i. e., a portion of the sea extending as far as a cannon-shot from the coast—is considered as belonging to the territory of that state. Treaties or agreements can establish other and more precise limits.

**NOTE.**—The extent practiced of this sovereignty has remarkably increased since the invention of far-shooting cannon. This is the consequence of the improvements made in the means of defense, of which the state makes use. The sovereignty of states over the sea extended originally only to a stone's throw from the coast; later, to an arrow's shot; fire-arms were invented, and by rapid progress we have arrived to the far-shooting cannon of the present age. But still we preserve the principle, “*Terra dominium statuit, ubi finitur armorum vis.*”

Within certain limits, there are submitted to the sovereignty of the bordering state—

- (a) The portion of the sea placed within a cannon-shot of the shore.
- (b) Harbors.
- (c) Gulfs.
- (d) Roadsteads.

**NOTE.**—Certain portions of the sea are so nearly joined to the *terra firma* that, in some measure at least, they ought to form a part of the territory of the bordering state; they are considered as accessories to the *terra firma*. The safety of the state, and the public quiet, are so dependent on them that they cannot be contented, in certain gulfs, with the portion of the sea lying under the fire of cannon from the coast. These exceptions from the general rule of the liberty of the sea can only be made for weighty reasons, and when the extent of the arm of the sea is not large; thus, Hudson's Bay and the Gulf of Mexico evidently are a part of the open sea. No one disputes the power of England over the arm of the sea lying between the Isle of Wight and the English coast, which could not be admitted for the sea lying between England and Ireland; the English admiralty has, however, sometimes maintained the theory of “narrow seas”, and has tried, but without success, to keep for its own interest, under the name of “King's chambers,” some considerable extents of the sea.

Klüber (*Droit des Gens Modernes de l'Europe*, Paris, ed. 1831, vol. i, p. 216):

Au territoire maritime d'un état appartiennent les districts maritimes, ou parages susceptibles d'une possession exclusive, sur lesquels l'état a acquis (par occupation ou convention) et continué la souveraineté. Sont de ce nombre, (1) Les parties de l'océan qui avoisinent le territoire continental de l'état, du moins, d'après l'opinion presque généralement adoptée, autant qu'elles se trouvent sous la portée du canon qui serait placé sur le rivage; (2) les parties de l'océan qui s'étendent dans le territoire continental de l'état, si elles peuvent être gouvernées par le canon des deux bords, ou que l'entrée seulement en peut être défendue aux vaisseaux (golfs, baies, et cales); (3) les détroits qui séparent deux continents, et qui également sont sous la portée du canon placé sur le rivage, ou dont l'entrée et la sortie peuvent être défendues (détröit, canal, bosphore, sond). Sont encore du même nombre, (4) les golfs, détroits, et mers avoisinant le territoire continental d'un état, lesquels, quoiqu'ils ne soient pas entièrement sous la portée du canon, sont néanmoins reconnus par d'autres puissances comme mer fermée; c'est-à-dire, comme soumis à une domination, et, par conséquent, inaccessibles aux vaisseaux étrangers qui n'ont point obtenu la permission d'y naviguer.

Ortolan, in his “*Diplomatique de la Mer*” (pp. 145, 153, ed. 1864), after laying down the rule that a nation had control over the navigation in a strait or road whose width did not exceed six miles, continues:

On doit ranger sur la même ligne que rades et les portes les golfs et les baies, et tous les enfoncements connus sous d'autres dénominations, lorsque ces enfoncements, formés par les terres d'un même état, ne dépassent pas en largeur la double portée du canon, ou lorsque l'entrée peut en être gouvernée par l'artillerie, ou qu'elle est défendue naturellement par des îles, par des bancs, ou par des roches. Dans tous ces cas, en effet, il est vrai de dire que ces golfs ou ces baies sont en la puissance de l'état maître du territoire qui les enserre. Cet état en a la possession: tous les raisonnements que nous avons fait à l'égard des rades et des ports peuvent se répéter ici. Les bords et rivages de la mer qui baigne les côtes d'un état sont les limites maritimes *naturelles* de cet état. Mais pour la protection pour la défense plus efficace de ces limites naturelles, la coutume générale des nations, d'accord avec beaucoup de traités publics, permettre tracer sur mer, à une distance convenable des côtes, et suivant leurs contours, une ligne imaginaire qui doit être considérée comme la frontière maritime artificielle. Tout bâtiment qui se trouve à terre de cette ligne est dit être dans les eaux de l'état dont elle limite le droit de souveraineté et de juridiction.

Hautefeuille (*Droits et Devoirs des Nations Neutres*, tom. 1, tit. 1, ch. 3, § 1) :

La mer est libre d'une manière absolue, sauf les eaux baignant les côtes, qui sont partie du domaine de la nation riveraine. Les causes de cette exception sont, (1) que ces portions de l'océan sont susceptibles d'une possession continue; (2) que le peuple qui les possède peut en exclure les autres; (3) qu'il a intérêt, soit pour sa sécurité, soit pour conserver les avantages qu'il tire de la mer territoriale, à prononcer cette exclusion. Ces causes connues, il est facile de poser les limites. Le domaine maritime s'arrête à l'endroit où cesse la possession continue, où le peuple propriétaire ne peut plus exercer sa puissance, à l'endroit où il ne peut plus exclure les étrangers, enfin à l'endroit où, leur présence n'étant plus dangereuse pour sa sûreté, il n'a plus intérêt de les exclure.

Or, le point où cessent les trois causes qui rendent la mer susceptible de possession privée est le même: c'est la limite de la puissance, qui est représentée par les machines de guerre. Tout l'espace parcouru par les projectiles lancés du rivage, protégé et défendu par la puissance, de ces machines, est territorial, et soumis au domaine du maître de la côte. La plus grande portée du canon monté à terre est donc réellement la limite de la mer territoriale.

En effet, cet espace seul est réellement soumis à la puissance du souverain territorial, là, mais là seulement, il peut faire respecter et exécuter ses lois; il a la puissance de punir les infracteurs, d'exclure ceux qu'il ne peut pas admettre. Dans cette limite, la présence de vaisseaux étrangers veut menacer sa sûreté; au delà, elle est indifférente pour lui, elle ne peut lui causer aucune inquiétude, car, au delà de la portée du canon, ils ne peuvent lui nuire. La limite de la mer territoriale est réellement, d'après le droit primitif, la portée d'un canon placé à terre.

Le droit secondaire a sanctionné cette disposition; la plupart des traités qui ont parlé de cette portion de la mer ont adopté la même règle. Grotius, Hubner, Bynkershoek, Vattel, Galiani, Azuni, Klüber, et presque tous les publicistes modernes les plus justement estimés, ont pris la portée du canon comme la seule limite de la mer territoriale qui fut rationnelle et conforme aux prescriptions du droit primitif. Cette limite naturelle a été reconnue par un grand nombre de peuples, dans les lois et règlements intérieurs.

Les côtes de la mer ne présentent pas une ligne droite et régulière; elles sont, au contraire, presque toujours coupées de baies, de caps, etc.; si le domaine maritime devait toujours être mesuré de chacun des points du rivage, il en résulterait des graves inconvénients. Aussi, est-on convenu, dans l'usage de tirer une ligne fictive d'un promontoire à l'autre, et de prendre cette ligne pour point de départ de la portée du canon. Ce mode, adopté par presque tous les peuples, ne s'applique qu'aux petites baies, et non aux golfes d'une grande étendue, comme le golfe de Gascoigne, comme celui de Lyon, qui sont en réalité de grandes parties de mer complètement ouvertes, et dont il est impossible de nier l'assimilation complète avec la haute mer.

The latest English writer, Mr. Amos, in his edition of Manning's Law of Nations, which is praised and quoted with approval by Lord Cockburn in *Queen v. Keyn*, extends the jurisdiction of a state to the waters of bays whose width is more than six miles and less than ten:

An obvious right, enjoyed by every state equally, is the claim to have an equal share in the enjoyment of such things as are in their nature common to all, whether from not being susceptible of appropriation, or from not having been as yet, in fact, appropriated. Such a thing, pre-eminently, is the open sea, whether treated for purposes of navigation or fishing. \* \* \* Nevertheless, for some limited purposes, a special right of jurisdiction, and even (for a few definite purposes) of dominion, is conceded to a state in respect of the part of the ocean immediately adjoining its own coast line. The purposes for which this jurisdiction and dominion have been recognized are, (1) the regulation of fisheries; (2) the prevention of frauds on customs laws; (3) the exactation of harbor and light-house dues; and (4) the protection of the territory from violation in time of war between other states. The distance from the coast line to which this qualified privilege extends has been variously measured; the most prevalent distances being that of a cannon-shot, or of a marine league from the shore. \* \* \* In the case of bays, harbors, and creeks, it is a well-recognized custom, provided the opening be not more than ten miles in width as measured from headland to headland, to take the line joining the headlands, and to measure from that the length of the distance of a cannon-shot, or of a marine league. The limiting provision here introduced was rendered necessary by the great width of some of the American bays, such as the Bay of Fundy and Hudson's Bay, in respect of which questions relating especially to rights of fishing had arisen. At one time, indeed, the distance of six miles, in place of that of ten miles, was contended for. It is held that, in the case of straits or narrow seas less than six miles in breadth, the general jurisdiction and control is equally shared by all

the states the territories of which form the coast lines; and that all the states are held bound, in times of peace at any rate, to allow a free passage at all times to the ships of war of all other states.

Martens, "Précis du Droit des Gens Modernes de l'Europe" (Pinheiro-Ferriera, ed. Paris, 1864), §§ 40, 41:

Ce qui vient d'être dit des rivières et des lacs est également applicable aux détroits de mer et aux golfs, surtout, en tant que ceux-ci ne passent pas la largeur ordinaire des rivières, ou la double portée du canon.

De même une nation peut s'attribuer un droit exclusif sur ces parties voisines de la mer (*mare proximum*) susceptibles d'être maintenues du rivage. On a énoncé diverses opinions sur la distance à laquelle s'étendent les droits du maître du rivage. Aujourd'hui toutes les nations de l'Europe conviennent que, dans la règle, les détroits, les golfs, la mer voisine, appartiennent au maître du rivage, pour le moins jusqu'à la portée du canon qui pourrait être placé sur le rivage.

On verra ci-après que le pleine mer ne peut devenir l'objet d'une propriété plus ou moins exclusive, d'une part parce que son usage est inépuisable et innocent en lui-même, d'autre part parce que, n'étant pas de nature à être occupée, personne ne peut s'opposer à son usage; mais de ce que la mer n'est susceptible de l'appropriation de l'homme, par suite de l'impossibilité pour lui de la rétenir sous son obéissance, et d'en exclure les autres hommes; et aussi, à raison de son immensité et de sa qualité d'être inépuisable, il résulte que pour les parties de l'océan qui ne réunissent pas ces conditions, pour celles qui par leur nature peuvent subir la domination de l'homme et l'exclusion des autres, pour celles, enfin, dont l'usage commun ne saurait être maintenu sans nuire à la nation intéressée, et qui sont susceptibles de propriété, le principe de la liberté s'efface et disparaît. Cela a lieu notamment pour les mers territoriales et pour les mers fermées. Par l'expression de "mers territoriales," il faut entendre celles qui baignent les côtes d'une nation et la servent pour ainsi dire de frontière. Ces mers sont soumises à la nation maîtresse de la côte qu'elles baignent, et peuvent être réduites sous la puissance de la nation propriétaire qui a dès lors le droit d'en exclure les autres. La possession est soutenue, entière, de même que s'il s'agissait d'un fleuve, d'un lac, ou d'une partie de territoire continental. Aussi tous les traités reconnaissent aux nations dans un intérêt de navigation, de pêche, et aussi de défense, le droit d'imposer leur loi dans les mers territoriales qui les bordent, de même que tous les publicistes s'accordent pour attribuer la propriété de la mer territoriale à la nation riveraine. Mais où s'est longtemps demandé quelle était l'étendue de cette partie privilégiée de la mer. Les anciens auteurs portaient très-loin les limites du territoire maritime, les uns à soixante milles, c'était l'opinion générale au quatorzième siècle; les autres à cent milles. Loocenius, *de Jur. Marit.*, lib. v. cap. iv. § 6, parle de deux journées de chemin; Valin, dans son *Commentaire sur l'Ordinance de 1681*, propose la sonde, la portée du canon, ou une distance de deux lieues.

D'autres auteurs ont pensé que l'étendue de la mer territoriale ne pouvait être réglée d'une manière uniforme, mais devait être proportionnée à l'importance de la nation riveraine. Au milieu de ces opinions contradictoires il faut, suivant Hantefeuille, "Droits et Devoirs des Nations Neutres," 2d edit. t. i. p. 83 et suiv., pour fixer ces principes, remonter aux causes qui ont fait excepter de la règle de la liberté des mers, les eaux baignant les côtes, et qui les ont fait ranger dans le domaine de la nation riveraine. Ces causes étant que ces portions de la mer sont susceptibles d'une possession continue; que le peuple qui les possède peut en exclure les autres; enfin, qu'il a intérêt à prononcer cette exclusion, soit pour sa sécurité, soit à raison des avantages que lui procure la mer territoriale, le domaine maritime doit cesser là où cesse la possession continue, là où cessent d'atteindre les machines de guerres. En d'autres termes, la plus grande portée du canon placé à terre est la limite de la mer territoriale—*terra potestas finitur, ubi finitur armorum ris*; et nous devons ajouter que la plupart des traités ont adopté cette règle; beaucoup de peuples l'ont reconnue dans leur lois et leur règlements intérieurs; presque tous les publicistes l'ont regardée comme rationnelle,—notamment Grotius, Hubner, Bynkershoek, Vattel, Galiani, Azuni, Kitibar.

Au reste, le domaine maritime ne se mesure pas de chacun des points du rivage. On tire habituellement une ligne fictive d'un promontoire à l'autre, et on la prend comme point de départ de la portée du canon; cela se pratique ainsi pour les petites baies, les golfs d'une grande étendue étant assimilés à la pleine mer. La conservation du domaine de la mer territoriale par la nation riveraine, n'est pas subordonnée à l'établissement et à l'entretien d'ouvrage permanents, tels que batteries ou forts: la souveraineté de la mer territoriale n'est pas plus subordonnée à son mode d'exercice que la souveraineté du territoire même.

Ajoutons un mot sur les mers fermées ou intérieures, qui sout les golfs, rades, baies, ou parties du mer qui ne communiquent à l'océan que par un détroit assez resserré pour être réputées faire partie du domaine maritime de l'état maître des côtes. La qualité de mer fermée est subordonnée à une double condition: il faut d'une part qu'il soit impossible de pénétrer dans cette mer sans traverser la mer territoriale de l'état

et sans exposer à son canon ; d'autre part, il faut que toutes les côtes soient soumises à la nation maîtresse du détroit.

Mais une nation ne peut-elle acquérir un droit exclusif sur des fleuves, des détroits, des golfes trop larges pour être couverts par les canons du rivage, ou sur les parties d'une mer adjacente qui passent la portée du canon, ou même la distance de trois lieues ? Nul doute d'abord qu'un tel droit exclusif ne puisse être acquis contre une nation individuelle qui consent à le reconnaître. Cependant il semble même que ce consentement ne soit pas un réquisitoire essentiel pour une telle acquisition, en tant que le maître du rivage se voit en état de la maintenir à l'aide du local, ou d'une flotte, et que la sûreté de ses possessions territoriales offre une raison justificative pour l'exclusion des nations étrangères. Si de telles parties de la mer sont susceptibles de domination, c'est une question de fait de savoir lesquels de ces détroits, golfes, ou mers adjacentes, situés en Europe, sont libres de domination, lesquels sont dominés (*clausa*), ou quels sont ceux sur la liberté desquels on dispute.

De Cussy, "Phases et Causes Célèbres du Droit Maritime des Nations" (Leipzig, ed. 1856), liv. i, tit. 2, §§ 40, 41 :

Mais la protection du territoire de l'état du côté de la mer, et la pêche qui est la principale ressource des habitants du littoral, ont fait comprendre la nécessité de reconnaître un territoire maritime. On mieux encore une mer territoriale dépendant de tout état riverain de la mer ; c'est-à-dire, une distance quelconque à partir de la côte, qui fut réputée la continuation du territoire, et à laquelle devait s'étendre pour tout état maritime la souveraineté spéciale de la mer.

Cette souveraineté s'étend aux districts et parages maritimes, tels que les rades et baies, les golfes, les détroits, dont l'entrée et la sortie peuvent être défendues par le canon.

Tous les golfes et détroits ne sauraient appartenir, dans la totalité de leur surface ou de leur étendue, à la mer territoriale des états dont ils baignent les côtes ; la souveraineté de l'état reste bornée sur les golfes et détroits d'une grande étendue à la distance qui a été indiquée au précédent paragraphe ; au delà, les golfes et détroits de cette catégorie sont assimilés à la mer, et leur usage est libre pour toutes les nations.

Many authorities maintain that whenever, under the law of nations, any part of the sea is free for navigation, it is likewise free for fishing by those who sail over its surface. But, without insisting upon this position, the inevitable conclusion is, that, prior to the Treaty of Washington, the fishermen of the United States, as well as those of all other nations, could rightfully fish in the open sea more than three miles from the coast; and could also fish at the same distance from the shore in all bays more than six miles in width, measured in a straight line from headland to headland.

The privileges accorded by Article XVIII of that treaty are, to take fish within the territorial waters of the British North American colonies ; and the limits of territorial waters have been thus defined by the law of nations.

It is not, however, to be forgotten that, at the time when the treaty was framed, the privileges actually enjoyed by American fishermen corresponded precisely with the rules of international law as hereinbefore set forth. And it is apparent that the present Commission was not constituted as a tribunal to decide upon grave questions of international law, but simply to estimate what, if anything, is the greater value of the privileges accorded to the citizens of the United States by Article XVIII beyond such as they previously practically enjoyed, over and above those accorded to the subjects of Her Majesty by Articles XIX and XXI of the Treaty of Washington.

It is the manifest duty of the Commissioners to proceed upon the basis of the *status* existing at the date of the treaty, no matter what were the claims or pretensions of either national government. Of still less consequence is it what were the claims of colonial authorities.

By the orders of the home government, before and at the date of the treaty, the American fishermen were not excluded from any bays ex-

ceeding six miles in width from headland to headland. All larger bodies of water were then treated, by the command of Her Majesty, like the open sea; and in all such bays the territorial limit was measured along the shore, according to its sinuosities three miles from low-water mark. The Commissioners are bound to adopt the same view. This position is insisted upon because of its practical common sense and intrinsic rectitude, and not because any doubt is entertained as to the rules and principles of international law, by which the honorable Commission ought to be governed.

DWIGHT FOSTER,  
*Agent of the United States.*



## APPENDIX D.

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### REPLY ON BEHALF OF HER BRITANNIC MAJESTY'S GOVERNMENT TO THE ANSWER OF THE UNITED STATES OF AMERICA.

#### PART I.—CANADA.

##### I.

That portion of the Answer which first claims attention embodies the views presented by the United States as to the area of the British North American fisheries.

Two things are relied on:

First. It is submitted by the United States that "independently of treaty," and for the "purposes of fishing," the territorial waters of every country extend three miles from low-water mark, to be measured along the contour of the shores of bays according to their sinuosities, and that the rule upon which this assertion is maintained is believed by the United States to have received a traditional recognition from other powers, including Great Britain.

Second. It is urged that it is the duty of the Commissioners to "treat the question practically, and proceed upon the basis of the *status* actually existing when the Treaty of Washington was adopted," according to "the practical extent of privileges enjoyed by American fishermen" at and before that date.

The Commissioners are thus invited to dismiss from their consideration all claim to compensation for the privilege of fishing in such portions of British American bays greater than six miles in width at their mouths as are beyond three miles from the shore.

It is not understood that the Answer either raises or invites the discussion of any rules or doctrines of international law, save such as bear upon the question of what are to be considered the territorial waters of a maritime state for the purposes of exclusive fishing. The contention of the Answer in relation to these doctrines which requires special attention is that which asserts that Great Britain and other powers have traditionally recognized a rule by which foreigners were excluded from fishing in those bays only which are six miles or less in width at their mouths.

It is distinctly asserted, on the part of Her Majesty's Government, that this alleged rule is entirely unknown to, and unrecognized by, Her Majesty's Government, and it is submitted that no instance of such recognition is to be found in the Answer or the Brief accompanying the same, and that none can be produced.

And while abundant argument supported by authorities will be found in the Brief to be submitted to the Commissioners, to establish the view never abandoned by Great Britain, and entirely adverse to that now advanced by the United States, the admission by the United States that it is not the province of the Commission to decide upon questions of international law, does not seem to be at variance with the views of Her Majesty's Government as to the mode of conducting the present inquiry, because it is clear, that entirely independent of the unsettled

doctrines of international law, the rights of Great Britain and the United States, respectively, are to be ascertained by Commissioners, who are directed to confine their inquiry exclusively to the terms of the Treaty of Washington and the 1st Article of the Convention of 1818.

It is asserted in the Answer, at page 3, that the Commissioners who framed the Treaty of Washington "decided not to enter into an examination of the respective rights of the two countries under the Treaty of 1818 and the general law of nations, but to approach the settlement of the question on a comprehensive basis." It is submitted that no such decision was ever come to by the Commissioners, and in proof of this assertion attention is directed to the Protocols of the Joint High Commission preceding the treaty. These Protocols prove that Her Majesty's Government were prepared to discuss the question "either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818 and the general law of nations, or to approach the settlement of the question on a comprehensive basis;" and in answer to an inquiry on the part of the American Commissioners as to what in the latter case would be the proposition of the British Commissioners, the latter replied, "the restoration in principle of the Reciprocity Treaty of 1854." The American Commissioners having declined to proceed to the basis of the Reciprocity Treaty, negotiations were again resumed and resulted in the adoption of the clauses in the Treaty of Washington already referred to in the Case, and which, as if to remove the possibility of a doubt, expressly make the Convention of 1818, and the respective rights of the two countries under it, the basis upon which the value of the new concessions is to be measured.

The words of Article 1 of that convention, used by the United States in renouncing forever all liberty previously "claimed or enjoyed of taking fish *within three marine miles of any of the coasts, bays, creeks, or harbors of Her Majesty's Dominions in America,*" seem too clear and binding for dispute, whatever notions may have previously existed among writers as to the territorial jurisdiction of a nation over its adjacent waters.

This privilege so renounced forever is conceded for twelve years by the Treaty of Washington, and the extent of territorial waters in question is easily ascertainable.

A portion of the first section of the Answer is devoted to extracts from public documents, which were prepared as instructions of a purely temporary character and to prevent embarrassment and loss to United States fishermen, and the section closes with an extract from the language used by the Lord Chief Justice of England in a recent criminal case.

The special attention of the Commissioners is directed to the entire inapplicability of these extracts.

Had the word "status" in the Answer been used as meaning the legal status under the Convention of 1818, then Her Majesty's Government would be in perfect accord with that of the United States. But, as it is evidently intended to mean the state of facts existing during the periods when Her Majesty's Government either granted fishing licenses to American fishermen or otherwise voluntarily relaxed for a time their undoubted rights, then Her Majesty's Government entirely dissents. In the latter case the express words of the Convention of 1818 would be ignored, and the Commissioners asked to adopt as a basis, in lieu of that convention, certain indulgences which Her Majesty's Government were pleased, from motives of good-will and friendship, to extend to the

United States fishermen. These relaxations of legal rights were only temporary in their nature, were always given with an express reservation of the undoubted rights of Her Majesty's Government, and cannot, on any principle of law, justice, or equity, be considered by the Commission with the object of prejudicing the government, so temporarily conceding them.

As an instance of such express reservation, attention is called to a telegraphic dispatch from Lord Clarendon to the British minister at Washington, protesting against the terms of a circular from the Secretary of the United States Treasury, dated May 16, 1870, addressed to collectors of customs, notifying them that the Dominion Government had terminated the system of granting fishing-licenses to foreign vessels, and warning American fishermen of the legal consequences of encroaching upon prohibited limits.

This is dated June 7, 1870, and is as follows:

Take an opportunity to point out to Secretary of State that Mr. Boutwell's circular of May 16, 1870, respecting the Canadian inshore fisheries, may lead to future misunderstanding, inasmuch as it limits the maritime jurisdiction of the Dominion to three marine miles of the shores thereof, without regard to international usage, which extends such jurisdiction over creeks and bays, or to the stipulations of the Treaty of 1818, in which the United States renounce the right of fishing within three miles, not of the coast only, but of the bays, creeks, and harbors of Her Majesty's dominions in America.

In the quotation given in the Answer from the instructions issued from time to time by Her Majesty's Government and the Minister of Marine and Fisheries of the Dominion of Canada, to the commanders of government vessels engaged in protecting the fisheries, no mention of the express reservations which were invariably inserted of the rights of Her Majesty's Government under the Convention of 1818 is made; and it is deemed at present sufficient to call the attention of the Commission to these omissions, and to the text of the instructions themselves, where they will be found fully and clearly made.

It is confidently submitted and urged on the part of Her Majesty's Government, that it is not "the manifest duty of the Commissioners" to award compensation on the basis of "*the practical extent of the privileges enjoyed by American fishermen at and before the Treaty of Washington,*" unless those privileges were enjoyed legally, as a matter of right, and not temporarily, and by the favor of Great Britain; and it is further urged that the true and equitable basis upon which the Commissioners should proceed is that of the legal *status*, at the date of the Treaty of Washington, of American fishermen in British waters under the Convention of 1818.

The quotation from the judgment of the Lord Chief Justice of England in the case of the Franconia, already alluded to, has no reference whatever to any subject involved in this inquiry, but to a question of an entirely different character, and it is sufficient to call the attention of the Commission to the judgment itself from which the quotation is made, reported, L. R. 2 Ex. Division, page 63, to prove its utter irrelevancy.

The attention of the Commission is called to the judgment of the judicial committee of the privy council, delivered February 14, 1877, in the case of the Direct United States Cable Company against the Anglo-American Telegraph Company, in which judgment the following language is used: "There was a convention made in 1818 between the United States and Great Britain relating to the fisheries of Labrador, Newfoundland, and His Majesty's other possessions in North America, by which it was agreed that the fishermen of the United States should

have the right to fish on part of the coast (not including the part of the Island of Newfoundland on which Conception Bay lies), and should not enter any 'bays' in any other part of the coast, except for the purpose of shelter and repairing damages, and purchasing wood, and obtaining water, and no other purposes whatever. It seems impossible to doubt that this convention applied to all bays, whether large or small, on that coast, and consequently to Conception Bay."

## II.

Section 2 of the answer is devoted to a consideration of the reciprocal privileges accorded to Her Majesty's subjects by articles 19 and 21 of the Treaty of Washington, and contests the right of the Colony of Newfoundland to be considered in the sum to be awarded.

In this section it is contended that no account is to be taken of the right "to admit fish and fish-oil free of duty from the United States into Canada and Prince Edward Island, in the estimate and adjustment of equivalents which the Commissioners are directed to make." This proposition is not assented to, but, on the contrary, it is contended that the Commissioners cannot ignore these concessions "in their adjustment of equivalents." Article 22 of the treaty provides that having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as those privileges are stated in Articles 19 and 21, the Commissioners shall determine the compensation to be paid by the United States to Her Britannic Majesty, in return for the privileges accorded to the citizens of the United States under Article 18. It is contended in the answer that the privileges accorded by the United States to the subjects of Her Majesty, and having regard to which the amount of compensation is to be awarded, are the absolute benefits which Canadians will derive from the free admission of their fish and fish-oil into the United States, without regard to the reciprocal rights of the citizens of the United States to the free admission of their fish and fish-oil into Canada. Such a contention is not based upon a proper construction of Articles 21 and 22. Article 22 expressly directs the Commissioners, in making their award, to have regard to the privileges accorded by the United States to the subjects of Great Britain, *as these privileges are stated in Articles 19 and 21.* The right or privilege, as stated in the latter article, is not the absolute right of one country to export free into the other, but a reciprocal right conferred, and to be enjoyed in common. The value of this privilege to Canada is simply the reciprocal value as stated in the article itself, and in putting a pecuniary estimate upon it the *reciprocal* character of the privilege cannot be ignored.

## III.

The advantages, so explicitly set forth in the Case, of freedom to trans-  
for cargoes, outfit vessels, obtain ice, procure bait, and engage hands,  
&c., are not denied in the Answer. Nor is it denied that these privi-  
leges have been constantly enjoyed by American fishermen under the  
operation of the Treaty of Washington. Neither is the contention on  
the part of Her Majesty's Government, that all these advantages are  
necessary to the successful pursuit of the inshore or outside fisheries,  
attempted to be controverted. But it is alleged in the 3d section of  
the answer that there are statutes in force, or which may be called into  
force, to prevent the enjoyment by American fishermen of these indis-  
pensable privileges.

It is presumed that by these "former inhospitable statutes," as they are termed by the United States, are meant the following, viz:

1. The Imperial Act, 59 Geo. III, cap. 38.
2. The Acts of the Parliament of Canada, 31 Vic., cap. 61, passed 1868; 33 Vic., cap. 15, passed 1870; and 34 Vic., cap. 33, passed 1871.
3. The Act of Parliament of Prince Edward Island, 6 Vic., cap. 14, passed 1843.
4. The Act of the Parliament of New Brunswick, 16 Vic., cap. 69, passed 1853.
5. The Act of Parliament of Nova Scotia, 27 Vic., cap. 94, passed 1864.

It is scarcely necessary to mention that these statutes were passed by the several parliaments solely to enforce the provisions contained in the Convention of 1818, and they are entirely suspended for the period during which Great Britain has conceded the fishery privileges under the Treaty of Washington to the inhabitants of the United States, by the following enactments:

1. The Act of the Imperial Parliament, 35 and 36 Vic., cap. 45.
2. The Act of the Dominion of Canada, 35 V., cap. 2, entitled *An act relating to the Treaty of Washington, 1871.*
3. The Act of Parliament of Prince Edward Island, 35 Vic., cap. 2.

Previous to the date of the Treaty of Washington, American fishermen were, by the 1st Article of the Convention of 1818, admitted to enter the bays and harbors of His Britannic Majesty's Dominions in America for the purpose of shelter and of purchasing wood, and of obtaining water, and *for no other purpose whatever.*

By the terms of Article 18 of the Treaty of Washington, United States fishermen were granted "permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish."

The words "*for no other purpose whatever*" are studiously omitted by the framers of the last-named treaty, and the privilege *in common* with the subjects of Her Britannic Majesty, to take fish and to land for fishing purposes, clearly includes the liberty to purchase bait and supplies, tranship cargoes, &c., for which Her Majesty's Government contend it has a right to claim compensation.

It is clear that these privileges were not enjoyed under the Convention of 1818, and it is equally evident that they are enjoyed under the Treaty of Washington.

#### IV.

In Section 3 of the Answer it is stated that the fishing pursuits of American fishermen in British territorial waters are limited to the mackerel and herring fisheries; and that the halibut and cod fisheries, including the subvarieties of hake, haddock, cusk, and pollack, belong "exclusively" to the open sea. This statement is altogether erroneous, as evidence will fully establish. It will further be proved not only that United States citizens actually fish within British waters for the various kinds of fishes and baits named in the Case, but also that the deep-sea fisheries proper, which are admittedly pursued in the vicinity of British American coasts, could not be carried on profitably, if indeed at all, by American fishermen without the privilege of resorting to the inshore for the purpose of procuring bait, and without availing themselves of facilities for preserving the same in a fit state for effective use, which the Treaty of Washington affords. It is admitted on page 8 of the Answer that the herring thus procured forms "the best bait for cod

and other similar fish," but asserted that it is obtained chiefly by purchase, because the American fishermen "find it more economical to buy it than to catch it."

It has been shown that this privilege of purchasing bait is derived through the provisions of the treaty. In some places within the limits now thrown open to them, as will be proved, United States citizens, since the Washington Treaty, catch bait for themselves, where formerly they used to buy it.

Notwithstanding the statement to the contrary at page 8 of the Answer, it can be shown in evidence that the American fishermen do land on the British shores to haul and dry their nets and cure their fish.

On page 9 it is alleged that the increased produce of the fisheries obtained by British subjects during the past seven years is due to the "benign influences" of the Treaty of Washington. This Her Majesty's Government distinctly deny, and contend that it has been the result of progress and improvement, from increased numbers of men and materials, from improved facilities, and from greater development coincident with the system of protection and cultivation applied to them.

The reciprocal concession of fishing privileges in American waters being absolutely valueless, as set forth in the Case, cannot be taken into account.

The Commissioners will readily perceive, on referring to the table appended to the Case—

1. That the increase of catch by British subjects consists principally of those kinds of fish which are not affected in any way whatever by the remission of the United States customs duties under the Treaty of Washington, inasmuch as fresh fish was admitted free of duty into the United States at the time of the Treaty of Washington, and for some time previously.

2. That the aggregate annual value of fish caught by British subjects increased in much greater ratio for the four years preceding the complete operation of the treaty than for succeeding years.

3. That the value of the British catch in 1872—the year before the treaty took effect as regards customs duties—amounted to more than double that of 1869, while the value of 1875 was considerably less than that of 1873.

The statement made in the Answer that since the date of the Washington Treaty the American cod and mackerel fisheries have declined, cannot for a moment be admitted. On the contrary, it is asserted that they have shown a gradual and progressive increase over the average catch of those years which preceded the signing of the treaty.

The important statement hazarded on page 20, that "almost the only fish taken by the Americans within the three-mile limit off the coasts of the British provinces are the mackerel, and that of the entire catch of these fish only a very small fractional part is so taken," Her Majesty's Government feel called upon to deny in the strongest terms. Not only will it be shown that codfish in limited quantities and herring in large quantities are so taken, but that by far the larger proportion of the catch of mackerel in British waters is taken within "the three-mile limit," and the right to fish in the entire extent of waters claimed by the United States as "the open ocean free to all" is practically valueless, when not coupled with the privileges accorded by the Treaty of Washington; and, further, that without the liberty of fishing within this limit the entire fishery would have to be abandoned by the American fleet as useless and unremunerative.

In the language of John Quincy Adams, one of the United States

commissioners at Ghent, in a work published by him so long ago as 1822: "The Newfoundland, Nova Scotia, Gulf of St. Lawrence, and Labrador fisheries are in nature and in consideration both of their value and of the right to share in them, one fishery. To be cut off from the enjoyment of that right would be to the people of Massachusetts similar in kind and comparable in degree with an interdict to the people of Georgia or Louisiana to cultivate cotton or sugar. To be cut off even from that portion of it which was within the exclusive British jurisdiction in the strictest sense within the Gulf of St. Lawrence and on the coast of Labrador would have been like an interdict upon the people of Georgia or Louisiana to cultivate with cotton or sugar three-fourths of those respective States."

And Andrews, at page 35 of his official report, 1852, to the Secretary of the United States Treasury, says: "A free participation in the sea-fisheries near the shores of the colonies is regarded as the just prescriptive privilege of our fishermen. Without such privilege our deep-sea fisheries in that region will become valueless."

And United States Commander Shubrick, in 1853, reported: "The shores of Prince Edward Island abound with fish of all kinds. The mackerel strike in early in the season *and can only be taken close inshore.*" (Ex. Doc. 1853-'54, No. 21, page 32.) Numbers of similar authorities can be produced.

With regard to the statement in page 10 of the Answer, that for a number of years past the value of the mackerel fishery in British waters has diminished, while during the same period the quantity and quality of these fish taken off the coast of New England has greatly improved, it is sufficient to mention that the result of the present season's fishing so far, in American waters, has been very small, and the indications are that the remainder of the season will also be poor. On the other hand, the waters of the British Canadian territories teem with mackerel, as in former years.

The catch of mackerel in British waters by Canadian fishermen has actually increased during several years past. Recent reports show that the prospects for the current season are good, and that American fishing-vessels are preparing to turn them to profitable account, the mackerel fishery off the United States shores having failed this year. The Cape Ann Weekly Advertiser of June 14, 1877, notices the early appearance of mackerel in the Bay of Saint Lawrence, and anticipates "a more successful season than that of 1876, and that quite a large fleet will engage in the bay fishery." The same journal of June 29, 1877, records "a good mackerel catch" along the eastern shore of Nova Scotia. The Boston Commercial Bulletin of July 7, 1877, states that "mackerel are plenty" at Prince Edward Island, also that "quite a large fleet" of mackerel-fishing vessels had arrived at Boston and Gloucester from the United States coast, "but most of them report no catch, and the average will not exceed a few barrels per vessel." The same paper, under date of July 14, 1877, states on official authority that the catch of mackerel "is very light," the returns to July 12, this year, being only 28,043 barrels, against 81,193 barrels to July 1, last year (1876). The Cape Ann Weekly Advertiser of July 13, 1877, contains the following announcement: "A few small mackerel have been taken off shore, sufficient to meet the local demand for fresh mackerel, but the fleet have met with ill success, and none of consequence have been landed. \* \* \* The entire receipts for July from a large fleet will not exceed 800 barrels. \* \* \* The schooner Allen Lewis, from the Magdalen Islands, for Booth Bay, reports small codfish plenty at the Magdalens, and numerous

schools of large mackerel in the North Bay, between East Point, Prince Edward Island, and Port Hood. The vessel was hove to, and several large mackerel taken. The skipper of the Allen Lewis thinks the prospects for the mackerel fishery in the bay as good as he ever knew it." These extracts may be taken, with many others, as proof of the uncertain character of the mackerel fishery on the American coast, although the Answer describes it as being "unsurpassed by any in the world" (p. 19). They at the same time afford fresh indications of the continued dependence of the American mackerel fishermen on the British inshores, which really are in a thriving condition, and yield increased returns every year.

Certain expressions used in the Answer, which reflect unjustly on the Dominion fisheries and fishermen, cannot be passed over in silence. They are contained in the following paragraphs:

"All descriptions of fish found in British waters also abound along this portion of the coast of the United States"—that is, down to the thirty-ninth parallel of north latitude. "If the provincial fishermen invested the same amount of capital in the business, and exerted equal enterprise, industry, and skill, they would find the American waters fully as valuable to them as theirs are to fishermen of the United States" (p. 18). This admission of value conflicts with the assumption (p. 13) that the inshore fisheries possess no "commercial or intrinsic value."

At pages 19 and 20, after describing the United States inshore fisheries for mackerel as being unsurpassed by any in the world, it is said that "they combine advantages compared with which the Dominion fisheries are uncertain, poor in quality, and vastly less in quantity. The Canadian fisheries are a long voyage from any market whatever, and involve far more exposure to loss of vessels and life. These fisheries along the shores of the United States are now open to the competition of the cheap-built vessels, cheap-fed crews, and poorly-paid labor of the Dominion fishermen, who pay trifling taxes, and live, both on board their vessels and at home, at less than half the expense of American fishermen. It is only from lack of enterprise, capital, and ability that the Dominion fishermen have failed to use them."

It might suffice to remark, in answer to these statements, that the conditions are not at all analogous. The Dominion fishermen have at their own doors the richest fisheries in the world. They produce from them an annual value far exceeding that of the fisheries carried on by New England fishermen in their own waters. It would be simply absurd for them, therefore, to make long and costly voyages to American waters for the purpose of engaging there in fishing operations which fail to support American fishermen, as evidenced by their annual appearance in great numbers on the coasts of Canada. It will be shown that, according to the testimony of public men and others in the United States, the American fisheries in former years have been on the verge of ruin; that American fishermen have pursued their calling in despair, although aided by liberal bounties, drawbacks, and allowances, and that their business has been in a "sinking state" because of their exclusion from the inshore fisheries of the British provinces. It seems, therefore, somewhat out of place to claim for them such superiority at the expense of others. Particularly so in view of the fact that the fishing classes of a population numbering four millions produce more fish from the waters of Canada than the New England contingent of forty millions of people can produce in their own fisheries, which are said to be (p. 18) "nearly as extensive, territorially, and equally valuable," as those of Canada, abounding in "all descriptions of fish found in British waters.

## V.

The Answer (pp. 18 and 19) lays much stress on the importance to Canadian fishermen of the menhaden bait fishery on the coasts of the New England States. The menhaden is here represented to be the best bait for mackerel, and is said to inhabit exclusively the American coast. An entirely fictitious value has been attached to this fishery. British fishermen do not frequent United States waters for the purpose of catching bait of any kind, or for any other purposes connected with fishing; consequently the privilege of entering those waters to catch menhaden is of no practical value. Any bait of that description which they require may be purchased as an article of commerce.

There are not now, nor have there ever been, treaty stipulations to prevent British fishermen from entering American waters to buy bait, if they prefer to do so. As a matter of fact, whatever menhaden bait British fishermen use is either purchased from American dealers or from Canadian traders, who import and keep it for sale like any other merchandise. Reference is made in the Answer to the possible contingency of legislation prohibiting the export or sale of menhaden bait, the implied consequence being a serious disadvantage to Canadian fishermen in prosecuting the mackerel fishery. It would in such contingency be necessary to use other baits equally good or resort to some other method of fishing, such as that described at page 10, enabling the fishermen to dispense with bait. Moreover, it is well known that menhaden are now caught in the open sea many miles distant from the American coast. The Answer asserts at page 19, that "it is entirely an in-shore fishery;" also that menhaden "are caught solely with seines near the shore." It can be proved that menhaden are chiefly caught off shore, frequently "out of sight of land."

Mr. S. L. Boardman, of Augusta, Me., in an interesting report to the State Board of Agriculture, of which he is secretary, published in 1875, at page 60, says: "Parties engaged in taking menhaden now go off ten or twenty miles from shore, whereas they formerly fished near the coast, and they now find the best and most profitable fishing at that distance." This fish is included among the shore fishes described by Prof. S. F. Baird as having suffered "an alarming decrease" along the in-shores of the United States, owing partly to excessive fishing throughout their spawning time in order to supply the oil factories.

Chapter 5 of the Answer deals with "the specific benefits which the treaty directs the Commission to regard in its comparison and adjustment of equivalents." The admission of British subjects to United States fishing grounds has been dealt with at length in the third chapter of the Case. There is nothing in the Answer on this subject calling for any reply excepting the statement at page 20, that Dominion fishermen "have in the United States waters to-day over 30 vessels equipped for seining, which, in company with the American fleet are sweeping the shores of New England." Leaving out of question the "American fleet," which has nothing whatever to do with the matter, the correctness of the statement is directly challenged in so far as it implies that these 30 vessels or any of them are British bottoms, owned by Dominion fishermen; and the United States is hereby called upon to produce evidence in its support.

## VI.

The free admission of fish into the markets of the United States is claimed in the Answer to be of enormous pecuniary value to the Cana-

dian exporter. In support of this contention certain extracts are given on page 20 purporting to be contained in a dispatch from Lord Elgin to Mr. Webster, dated June 24, 1851, and in quoting these extracts it is stated that Her Majesty's Government were prepared to throw open the fisheries of the British North American colonies, to the United States fishermen, if the United States Government would admit fish free of duty.

The quotations given are not contained in a dispatch from Lord Elgin, who was then governor-general of Canada, and not British minister at Washington, but in an extract inclosed in a despatch addressed on June 24, 1851, by Sir H. Bulwer to Mr. Webster, and being given without the dispatch in which they were inclosed, are made to convey a meaning at variance with the actual proposal made. The dispatch with the extract is as follows:

WASHINGTON, June 24, 1851.

SIR: I have already expressed to you at different periods, and especially in my note of the 22d of March last, the disappointment which was experienced in Canada, when, at the close of the last session of Congress, it was known that no progress had been made in the bill which had been brought forward for three years successively, for reciprocating the measure which passed the Canadian Legislature in 1847, and which granted to the natural produce of this country an entry, free from duty, into Canada, whenever the Federal Legislature of the United States should pass a measure similarly admitting into the United States the natural produce of the Canadas.

This disappointment was greater, inasmuch as the Canadian Government has always adopted the most liberal commercial policy with respect to the United States, as well in regard to the transit through its canals, as in regard to the admission of manufactured goods coming from this country.

I have now the honor to inclose to you the copies of an official communication which I have received from the governor-general, Lord Elgin, by which you will perceive that unless I can hold out some hopes that a policy will be adopted in the United States similar to that which has been adopted in Canada, and which the Canadian authorities would be willing, if met in a corresponding spirit, to carry out still farther, the Canadian Government and Legislature are likely forthwith to take certain measures which, both in themselves and their consequences, will effect a considerable change in the commercial intercourse between the Canadas and the United States.

I should see with great regret the adoption of such measures, and I am induced to hope, from the conversations I have recently had with you, that they will be unnecessary.

The wish of Her Majesty's Government, indeed, would be rather to improve than impair all relations of friendship and good neighborhood between Her Majesty's American possessions and the United States, and I feel myself authorized to repeat to you now, what I have at different times already stated—to Mr. Clayton and yourself—viz., that Her Majesty's Government would see with pleasure any arrangement, either by treaty or by legislation, establishing a free interchange of all natural productions not only between Canada and the United States, but between the United States and all Her Majesty's North American provinces; and furthermore, I am willing to say, that in the event of such an arrangement, Her Majesty's Government would be ready to open to American shipping the waters of the river St. Lawrence, with the canals adjoining, according to the terms of the letter which I addressed to Mr. Clayton, on the 27th March, 1850, for the information of the Committee on Commerce in the House of Representatives, and to which I take the liberty of referring you, while I may add that Her Majesty's Government would, in this case, be likewise willing to open to American fishermen the fisheries along the coasts of Nova Scotia and New Brunswick, according to the conditions specified in the inclosed extract from instructions with which I am furnished.

The willingness to grant to American citizens, on such reasonable conditions, two important privileges, so long enjoyed exclusively by the subjects of Great Britain, will testify clearly to the spirit by which the British Government is on this occasion animated; and, as affairs have now arrived at that crisis in which a frank explanation of the views of either party is necessary for the interests and right understanding of both, I take the liberty of begging you to inform me whether you are disposed, on the part of the United States, to enter into such a convention as would place the commercial relations between the United States and the North American colonies on the footing which I have here proposed, or whether, in the event of there appearing to you any objection to proceed by convention in this matter, you can assure me that the United

States Government will take the earliest opportunity of urgently recommending Congress to carry out the object aforesaid by the means of legislation.

I avail, &c.,

H. L. BULWER.

Hon. D. WEBSTER, *etc.*, *etc.*

[Extract.]

Her Majesty's Government is prepared, on certain conditions, and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, viz., to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the owners of private property, or with the operations of British fishermen.

Her Majesty's Government would require, as an indispensable condition, in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free, and upon terms in all respects of equality with fish imported by citizens of the United States.

N. B.—As the concession above stated applies solely to the sea fishery, the fisheries in estuaries and mouths of rivers are not of course included.

Her Majesty's Government does not propose that any part of this arrangement should apply to Newfoundland.

How, after reading the above, can it be asserted that Her Majesty's Government made an offer to throw open the fisheries in return for the free admission of fish? This offer was part only of a general proposition to put the commercial relations between the United States and the British North American colonies upon a better footing, and it was expressly made contingent upon the establishment of *the reciprocal free interchange of all natural productions*.

## VII.

The fourth section and a very large additional portion of the Answer is devoted to a consideration of the advantages alleged to be derived by British subjects from the provisions of the Treaty of Washington. These are, first, increased catch of fish taken by colonial fishermen as the result of the admission of American fishermen into British waters; second, incidental benefits arising to the inhabitants of the Canadian fishing villages and others on the coast of the maritime provinces from traffic with American fishermen.

This subject is introduced for the purpose of diminishing any compensation to which Great Britain may be entitled. In the first place these alleged benefits are not founded in fact, and, secondly, their consideration is beyond the duty of the Commissioners and the scope of the inquiry.

The attention of the Commission is directed to the entire absence of anything whatever in the treaty to warrant the introduction of this large mass of extraneous matter in the Answer, inasmuch as the Commissioners, when estimating any advantage which may accrue to Great Britain under the treaty, are confined to the subjects named in Articles 19 and 21.

There are, it will be apparent, many reciprocal advantages which both nations may enjoy, as the result of the treaty to certain classes of individuals not within the province of the Commission to consider, and those above alluded to are clearly and unmistakably among the number.

To support these assertions in the Answer, lengthy extracts are quoted from speeches delivered in the Canadian House of Commons upon the occasion of the debate on the adoption of the Treaty of Washington.

The speakers, it must be considered, were addressing themselves to

the Treaty of Washington as a whole, and not simply to the fishery clauses of that treaty. In dealing with these clauses not one of those speakers ventured the assertion or opinion that the advantages to be derived by Canada were in any way or sense equivalent to those conferred upon the United States. They spoke and the assembly by them addressed was impressed with the full knowledge of the clauses which provide for the assessment and payment to Canada of full compensation for the privileges secured by Article 23 of the treaty.

It is reasonable to assume, considering especially the occasion and circumstances of the debate, the numerous issues there raised inapplicable to the present discussion, and the forcible arguments offered in speeches not quoted, that the Commissioners will only give such weight to opinions as are relevant to and consistent with the testimony to be produced before them.

The debate in the United States Senate on the subject of the adoption of the Treaty of Washington was held with closed doors, and thus it is not possible to cite the opinions then offered. It may, however, be mentioned that many eminent statesmen and public writers in the United States maintain that free access to the British American fisheries is highly promotive of her commerce and absolutely essential to her mercantile and naval greatness.

And when the Reciprocity Treaty was under discussion before the United States Senate, in 1852, distinguished American statesmen fully acknowledged the value of the Canadian fisheries to the fishermen of the United States. Mr. Secretary Seward said :

Will the Senate please to notice that the principal fisheries in the waters to which these limitations apply are the mackerel and the herring fisheries, and that these are what are called "shoal fisheries;" that is to say, the best fishing for mackerel and herrings is within three miles of the shore. Therefore, by that renunciation, the United States renounced the best mackerel and herring fisheries. Senators, please to notice, also, that the privilege of resort to the shore constantly to cure and dry fish, is very important. Fish can be cured sooner, and the sooner cured the better they are, and the better is the market price. This circumstance has given to the colonies a great advantage over us in this trade. It has stimulated their desire to abridge the American fishing as much as possible; and, indeed, they seek naturally enough to procure our exclusion altogether from the fishing-grounds.

Further on, alluding to the construction of the Convention of 1818, as regards large bays, Mr. Seward said :

While that question is kept up, the American fisheries, which were once in a most prosperous condition, are comparatively stationary, or declining, although supported by large bounties. At the same time the Provincial fisheries are gaining in the quantity of fish exported to this country, and largely gaining in their exports abroad.

Our fishermen want all that our own construction of the convention gives them, and want and must have more—they want and must have the privilege of fishing within the three inhibited miles, and of curing fish on the shore.

Senator Hamlin, of Maine, after describing the magnitude and importance of the American fisheries "as the great fountains of commercial prosperity and naval power," declared that if American fishermen were kept out of these inshore waters, the "immense amount of property thus invested will become useless, and leave them in want and beggary, or in prison in foreign jails."

In the House of Representatives, Mr. Scudder, of Massachusetts, referring to the mackerel, said :

These fish are taken in the waters nearer the coast than the codfish are. A considerable proportion, from one-third to one-half, are taken on the coasts and in the bays and gulfs of the British Provinces. The inhabitants of the Provinces take many of them in boats and with seines. The boat and seine fishery is the more successful and profitable, and would be pursued by our fishermen were it not for the stipulations of

the Convention of 1818, betwixt the United States and Great Britain, by which it is contended that all the fisheries within three miles of the coasts, with few unimportant exceptions, are secured to the Provinces alone.

Mr. Tuck, of New Hampshire, said :

This shore fishery which we have renounced is of great value, and extremely important to American fishermen.

From the first of September to the close of the season the mackerel run near the shore, and it is next to impossible for our vessels to obtain fares without taking fish within the prohibited limits.

The truth is, our fishermen need absolutely and must have the thousands of miles of shore fishery which have been renounced, or they must always do an uncertain business. If our mackerel men are prohibited from going within three miles of the shore, and are forcibly kept away (and nothing but force will do it), then they may as well give up their business first as last. It will be always uncertain.

They (the American fishermen) want the shore fisheries. They want a right to erect and maintain structures on shore to cure codfish as soon as taken, thus saving cost, and making better fish for market; and believing their wishes to be easy of accomplishment, they will not consent to the endurance of former restrictions, the annoyances and troubles of which they have so long felt.

The foregoing statements are amply sustained by reports which have been published by the United States Government, and by other American statesmen and writers on this subject, and which can be laid before the Commission.

### VIII.

The United States contend, at page 31 of the Answer, that the remission of duties to Canadian fishermen during the four years which have already elapsed under the operation of the treaty has amounted to about \$400,000 annually; and in connection with this statement the following principle is laid down :

*When a tax or duty is imposed upon only a small portion of the producers of any commodity, from which the great body of its producers are exempt, such tax or duty necessarily remains a burden upon the producers of the smaller quantity, diminishing their profits, and cannot be added to the price and so distributed among the purchasers and consumers.*

Without controverting the correctness of this principle in its application to certain conditions of international commerce, it cannot be admitted to be universally correct, but the accuracy of the statement that the remission of duties has amounted to \$400,000 annually, or anything like that amount, is challenged. In the United States the demand for mackerel is large, but not unlimited. That demand cannot ordinarily be supplied by fish taken in United States waters, and it will be proved that the average prices obtained by the Canadian exporter into the United States during those years in which foreign fishermen were excluded from British-American waters, in face of the duty of \$2 per barrel, have been quite equal to the prices realized since these waters have been thrown open to American fishermen and the duties removed.

Upon a careful examination of all the facts to be submitted, the Commissioners will, it is confidently believed, be satisfied that the remission of duties upon mackerel, coupled with the throwing open of Canadian fishing-grounds to the American fishermen, has not resulted in pecuniary profit to the British fisherman, but, on the contrary, to the American dealer or consumer. At the same time it is frankly admitted that during those periods when American fishermen enjoyed, as stated in page 9 of the Answer, the privilege of fishing in Canadian waters, and Canadian-caught fish were subject to duty, that duty may have been paid to a certain extent by the exporter, increasing or lessening in proportion as the catch of United States vessels in Canadian waters was small or great.

In conclusion it is submitted that the principle insisted on by the United States on page 31 of the Answer in regard to *the burden of duty falling upon the producer*, already quoted, is conclusive in showing the value at which the United States estimate the compensation to be paid for the concessions granted to them by the Treaty of Washington.

In this relation Her Majesty's Government calls particular attention to the offer made by the United States Commissioners during the negotiation preceding that treaty, as appears from the protocols of the Conference. That offer is expressed in the following words :

That inasmuch as Congress had recently more than once expressed itself in favor of the abolition of the duties on coal and salt, they would propose that coal, salt, and fish be reciprocally admitted free, and that inasmuch as Congress had removed the duty from a portion of the lumber heretofore subject to duty, and as the tendency of legislation in the United States was toward the reduction of taxation and of duties in proportion to the reduction of the public debt and expenses, they would further propose that lumber be admitted free of duty from and after the 1st July, 1874.

The British Commissioners declined the offer, on the ground of its inadequacy, unless supplemented by a money payment, and it was subsequently withdrawn.

This offer of the American Commissioners embraced the free admission into the United States of fish and fish-oil, coal and salt, to which lumber was to be added after the 1st July, 1874.

The treaty, as subsequently agreed upon, confined the reciprocal remission of duty to fish and fish-oil.

The difference, then, between the offer of the American Commissioners and the actual treaty concessions lies in the free admission of fish and fish-oil, while coal, salt, and lumber are still subject to duty. Her Majesty's Government are prepared to prove that upwards of \$17,000,000 would have been the aggregate remissions upon these three last named articles for the term of years over which the treaty extends, after deducting the duties upon the same articles when imported into Canada from the United States, and upon the principle enunciated as an axiom in the Answer of the United States, it may be fairly assumed that this sum of \$17,000,000 is the value which the United States High Commissioners themselves placed upon the fishery privileges which they obtained for their country under the Treaty of Washington, over and above the privileges conceded to Great Britain and now enjoyed under the treaty.

## PART II.—NEWFOUNDLAND.

In the Answer to the Case, it is contended that "in regard to Newfoundland no special remarks seem to be required at this point, except that, by Article 32, the provisions and stipulations of Articles 18 to 25, inclusive, are extended to that island so far as they are applicable. But there is no previous mention of Newfoundland in the treaty; and it seems a strained and unnatural construction of Article 32 to hold that by this general language it was intended to make the provisions as to this Commission applicable thereto. The United States assert that the jurisdiction of the Commissioners does not extend to inquiring whether compensation should be made for the inshore fisheries of that island, both because the language of the treaty does not authorize them to do so, and because the extensive rights to the inshore fisheries of that island, and to dry and cure fish upon its shores, already possessed by the United States under the Convention of 1818, render it extremely improbable that any idea of possible compensation to that

island could have been entertained by either of the High Contracting Powers when the treaty was framed."

This contention on the part of the United States to exclude from the jurisdiction of the Commissioners the claim of the Colony of Newfoundland for compensation is submitted to be wholly untenable, and it can scarcely be supposed that such a position is intended to be seriously urged by the United States. It will be seen by reference to Article 32 that it is provided that "the provisions and stipulations of Articles 18 to 25 of this treaty, inclusive, shall extend to the Colony of Newfoundland as far as they are applicable." If it had been contemplated to exclude Newfoundland from a claim for compensation, the provisions and stipulations of Articles 22 to 25, inclusive, which have reference only to the assertion of the British claim for compensation, and the mode of adjustment thereof, would not have been expressly extended to Newfoundland, but the Articles 18 to 21, inclusive, would have been alone sufficient for securing the mutual concessions therein contained. No language could have been employed more plainly providing for the right of Newfoundland, conjointly with the Dominion of Canada, to claim compensation for the greater value of the concessions as regards the colony made to the United States over those conceded by the latter to Newfoundland. The assertion made that the United States possessed extensive rights to the inshore fisheries of Newfoundland appears to render it desirable that the nature and extent of these rights should be clearly placed before the Commissioners. By Article 13 of the Treaty of Utrecht, A. D. 1713, it is stipulated:

The island called Newfoundland, with the adjacent islands, shall, from this time forward, belong of right wholly to Great Britain; and to that end the town and fortress of Placentia and whatever other places in the said island are in the possession of the French shall be yielded and given up within seven months from the exchange of the ratifications of this treaty, or sooner, if possible, by the Most Christian King, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the Most Christian King, his heirs, and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island and islands, or to any part of it or them. Moreover, it shall not be lawful for the subjects of France to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards and huts necessary and usual for drying of fish, or to resort to the said island beyond the time necessary for fishing and drying of fish. But it shall be allowed to subjects of France to catch fish and to dry them on land in that part only, and in no other besides that, of the said island of Newfoundland which stretches from the place called Cape Bonavista to the northern point of the said island, and from thence running down the western side reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river Saint Lawrence and in the gulf of the same name, shall hereafter belong of right to the French, and the Most Christian King shall have all manner of liberty to fortify any place or places there.

And by Article V of the Treaty of Versailles, A. D. 1783, it is further agreed that—

His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situated on the eastern coast of Newfoundland, in fifty degrees north latitude; and His Majesty the King of Great Britain consents, on his part, that the fishery assigned to the subjects of His Most Christian Majesty beginning at the said Cape St. John, passing to the north and descending by the western coast of the island of Newfoundland, shall extend to the place called Cape Ray, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present article, as they had the right to enjoy that which was assigned to them by the Treaty of Utrecht.

The declaration of His Britannic Majesty accompanying the last-named treaty is as follows:

The King having entirely agreed with His Most Christian Majesty upon the articles of the definitive treaty, will seek every means, which shall not only insure the execution thereof with his accustomed good faith and punctuality, and will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future. To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, His Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishery of the French, during the temporary exercise of it which is granted to them upon the coasts of the island of Newfoundland; but he will for this purpose cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommodeed in cutting the wood necessary for the repair of their scaffolds, huts, and fishing-vessels.

The thirteenth article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there; it shall not be deviated from by either party; the French fishermen building only their scaffolds, confining themselves to the repair of their fishing-vessels, and not wintering there; the subjects of His Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence.

The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations; and that the fishery between the said islands and that of Newfoundland shall be limited to the middle of the channel.

The "extensive rights to the inshore fisheries" of Newfoundland, alleged to be possessed by the United States prior to the Washington Treaty, consisted, first, of a right to participate in common with British subjects in such rights of fishing on the northern and western parts of the coast, between Quirpon Island and Cape Ray, as British subjects possessed after the concessions made to the French by the aforesaid treaties of A. D. 1713 and 1783; secondly, the liberty, in common with British subjects, to take fish on the southern coast from Cape Ray to the Rameau Islands. The first is of very limited value, considering the large concessions previously made to the French, and the second extends over a comparatively short line of coast only. The coast of Newfoundland from the Rameau Islands to Cape Ray and thence north to Quirpon Island is too remote, and is not suitable as a basis for carrying on the deep-sea and Bank fisheries, the eastern and southeastern coasts, now thrown open to the United States, being the parts of the island which can be alone availed of for that purpose with real advantage. The United States, moreover, undertook by treaty with France in 1801, article 27, that "neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the American coast northward of the United States, but the whale and seal fisheries shall be free to both in every quarter of the world." Therefore, the "extensive rights" of the United States on the coasts of Newfoundland dwindle down to the mere liberty, in common with British subjects, to take fish between Cape Ray and the Rameau Islands, and to dry and cure fish in the unsettled bays, harbors, and creeks of that part of the coast. It is impossible to conceive, having regard to the important privileges conceded by the Washington Treaty, that the extremely limited rights enjoyed by the United States under the Convention of 1818 could in any way have been entertained by the High Contracting Powers as operating against the undoubted claim of the Colony of Newfoundland for compensation. It is asserted on behalf of Newfoundland that the United States have never claimed for their fishermen the right to enter any of the bays of that island

other than those between Quirpon Island and Cape Ray, and thence to the Rameau Islands, except "for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water," as provided by the Convention of 1818.

It will be shown by conclusive testimony, that whether the contention on the part of the United States regarding the limit or extent of territorial waters and the rights in bays, gulfs, and inlets, be maintainable or not, it has no appreciable, practical effect, so far as concerns the claim for compensation made by Newfoundland, inasmuch as the cod and other fisheries of that island set forth, in the Case, as producing annually over six million dollars by the labor of a limited number of operatives, and which are now by Article 18 of the Treaty of Washington thrown open to the fishermen of the United States, are carried on within three miles of the coast line following the sinuosities of the shore. The bait fishery, from which the United States fishermen can now, by virtue of the same article, procure all the bait requisite for the successful prosecution of the deep-sea, Bank, and inshore fisheries, is also carried on within the said three-mile limit. The fact that such a large annual amount of produce, principally of codfish, is drawn from the waters along our coast and within the admitted territorial limits of the jurisdiction of the Colony of Newfoundland, effectually refutes the assertion by the United States that "the cod-fishery is solely a deep-sea fishery, and not a subject within the cognizance of this Commission." The privilege of landing on the coast of Newfoundland for the purpose of curing fish, drying nets, &c., characterized in the Answer as "customs belonging to the primitive mode of fishing," is nevertheless highly valued by the United States, inasmuch as its insertion has always been insisted on in all treaties relating to the fisheries between the United States and Great Britain, and it has been practically availed of, and may in the future be reasonably anticipated to become more generally used; the climate of Newfoundland being especially adapted to the production of the best quality of dry codfish suitable for southern and tropical markets.

The claim preferred by Newfoundland is based alone upon the new privileges conceded by the Washington Treaty, and does not embrace a demand under any other treaty or convention. And it is submitted that in estimating compensation, the commissioners should not confine their jurisdiction and consideration merely to the expressed specific, but to all necessary incidental privileges, which before could not be claimed, and were not enjoyed as they have been, or may be, under this treaty.

The specific and consequential concessions have already been set forth in the Case, and ought not to be restricted to the limits proposed for awarding compensation in the Answer.

So far as Newfoundland is concerned, these concessions are of great value to the United States and of corresponding detriment to British fishermen residing on the coast.

The restrictions in the Treaty of 1818 cannot be considered as in present operation as regards the rights conferred on and exercised by the United States under the Washington Treaty.

The free and uninterrupted exercise of these rights by the United States fishermen on the Newfoundland coast, since this treaty came into effect, may be accepted as a practical proof of the interpretation placed by the United States upon the Treaty of Washington.

Evidence will be submitted to prove that the United States is not a market for Newfoundland produce, except to a very limited extent, and

that neither the abrogation of the Reciprocity Treaty nor the passing of the Washington Treaty did in any way affect exports of the colony to the United States, or the value of its produce, as the shipments of Newfoundland fish to the United States form so insignificant an item of export. But as a matter of fact, since the operation of the present treaty, fish shipments to the United States have declined, as the fishermen of that nation, from the increased advantages conferred on them, can now supply their own markets. The assumption, therefore, that the treaty has opened up to Newfoundland a free market with forty millions of people, consumers of its produce, is utterly untenable, this being in reality but a barren right, as the people of the United States are not to any marked extent, as compared with those of Great Britain, the Mediterranean, West Indies, or Brazil, consumers of Newfoundland dry codfish. Only in years of great scarcity in the United States markets is Newfoundland hard cured fish called for to supply the deficiency. Having shown how small a percentage of the annual exports of Newfoundland finds its way to the markets of the United States, it is plain that the remission of duties thereon, trivial in amount as they will be shown to be, cannot for a moment be considered as any adequate set-off to the extensive fishing privileges ceded to the United States by the Colony of Newfoundland.

As regards the herring fishery on the coast of Newfoundland, it is availed of to a considerable extent by the United States fishermen, and evidence will be adduced of large exportations by them in American vessels, particularly from Fortune Bay and the neighborhood, both to European and their own markets.

The presence of United States fishermen upon the coast of Newfoundland, so far from being an advantage, as is assumed in the Answer, operates most prejudicially to Newfoundland fishermen. Bait is not thrown overboard to attract the fish, as asserted, but the United States Bank fishing vessels, visiting the coast in such large numbers as they do, for the purpose of obtaining bait, sweep the coves, creeks, and inlets, thereby diminishing the supply of bait for local catch, and scaring it from the grounds where it would otherwise be an attraction to the cod.

No incidental benefits have heretofore accrued to the people of Newfoundland from traffic with United States fishermen under the operation of any treaty. Since the abrogation of the Reciprocity Treaty, it is true, as stated in the Answer, that large numbers of United States mackerel-fishing vessels have been diverted from that fishery to the Bank fishery of Newfoundland, and hence the presence at this time of a large fleet of United States cod-fishing vessels upon the coast of that island.

It has been stated in the Case that no Newfoundland fishermen ever visit the coast of the United States for fishing purposes, and it is now asserted that, even though the fisheries there may be valuable to the United States, they are utterly valueless to Newfoundland, not from lack of enterprise on the part of Newfoundlanders, as alleged, but because they have a teeming fishery at their own door and could not advantageously resort to localities so remote. The contrary, however, is the case with the United States, whose fishermen are compelled to seek foreign fishing-grounds.

The assertion that the United States cod-fishery has declined in amount and value, if this be sustained, can hardly be admitted as an argument against the claim for compensation, but it may very fairly, and with force, be contended that, in view of the material and unquestionable benefits conferred upon the United States by the Washington

Treaty, and the free exercise of those privileges, the falling off would have been much more considerable had the treaty not existed.

The allegation on the part of the United States, "that they desired to secure the privilege of using our fisheries, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation," is not maintainable, for, while the Treaty of Washington obviates the necessity of a continuance of that vigilance in the protection of British rights, within territorial waters of the island, by throwing open all its preserves to the free use of the citizens of the United States, it must be remembered that such necessary protection was not the consequence of any right on the part of the United States, but the immediate result of a system of encroachment by the fishermen of that country in British waters, not in accordance with the observance of international rights—for, notwithstanding the Convention of 1818, they have continually attempted to participate in privileges exclusively belonging to the subjects of Her Britannic Majesty, thus causing much annoyance and vexation between the two nations, and forcing, as it were, the present arrangement, to avoid difficulties between two peoples whose mercantile as well as social and hereditary connections should be characterized by respect for mutual rights.



## APPENDIX E.

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DOCUMENTS FILED WITH THE SECRETARY OF THE HALIFAX COMMISSION, AND READ AT THE SITTING HELD ON THE 30TH DAY OF JULY, 1871, IN SUPPORT OF THE "CASE OF HER BRITANNIC MAJESTY'S GOVERNMENT."

### I.

*Extract of a report from Mr. E. H. Derby to the Hon. William H. Seward, dated January, 1867, p. 44.*

The number of vessels in the fisheries has ranged since 1850 from 2,414 to 3,815 in 1862, besides boats in the shore fisheries. Six hundred sail of these vessels have in a single season fished for mackerel in the Gulf of St. Lawrence and Bay of Chaleurs, and taken fish to the amount of \$4,500,000.

NOTE.—Nearly one-fourth of our fishing-fleet, with a tonnage of 40,000 to 50,000 tons, worth \$5,000,000 to \$7,000,000 annually, fish near the three-mile line of the provinces.

### II.

*Extract from the same report, p. 78.*

In 1865 vessels in the cod-fishery are estimated to average from 800 to 1,000 quintals of dry fish. In the mackerel business, from 500 to 700 barrels. Dry fish are now worth \$8 to \$9 per quintal, and mackerel \$12 to \$15 per barrel.

### III.

*Extract from the same report, p. 79.*

Estimate of the fisheries of the United States for 1859, by Hon. L. Sabine, Secretary of Boston Board of Trade.

The tonnage alone is official. The sea and whale are estimated on official data; the shell, lake, river, &c., rest on some well-ascertained facts.

Sea (as cod, hake, haddock, mackerel, halibut, pollack, and sea-herring):

Tonnage .....	175,306
Value of fish and oil .....	\$6,730,000
Capital invested .....	\$7,280,000

NOTE.—The official tonnage is less. The difference is added for boats employed in the shore fisheries, which are neither enrolled nor licensed.

## IV.

*Fisheries of Prince Edward Island, pursued by Americans.*

**GOVERNMENT HOUSE, CHARLOTTETOWN, P. E. I.,**  
*February 17, 1874.*

SIR: "With reference to your dispatch No. 510 on 297, of the 24th of November last, I have now the honor to trausmit a minute of the executive council of the 12th February, instant, on the subject of the fisheries and fish trade of this province, in connection with the claim for compensation provided for by Article XXII of the Treaty of Washington, as required by his excellency the governor-general; together with a copy of the address of the legislative council and assembly to the Queen, and a copy of minute of the executive council of the 2d February, 1873, both therein referred to.

I have the honor to be, sir, your most obedient, humble servant,  
 R. HODGSON,  
*Administrator.*

The Hon. the SECRETARY OF STATE,  
 Ottawa.

*Extracts from minutes of the executive council of Prince Edward Island.*

**COUNCIL CHAMBER, February 12, 1874.**

At a meeting of the executive council in committee:

Present: Mr. Owen, Mr. Haviland, Mr. Brecken, Mr. Yeo, Mr. Lefurgy, Mr. Sullivan, Mr. Strong, Mr. McDonald, Mr. Arseneault.

The following minute was adopted and ordered to be presented to his honor the administrator of the government:

1. The executive council in committee having had under consideration several communications from the government of the Dominion bearing date respectively the 15th October, 16th November, and 12th December, 1873, requesting this government to furnish a report "regarding the fisheries and fish trade of this island, connected with the claim for compensation provided by Article 22 of the Treaty of Washington," beg to report as follows:

2. That in any estimate which may be made of the value of our island fisheries, no credit can be given or allowance made for the nominal privileges accorded to the inhabitants of this island by Articles 19 and 21 of said treaty, inasmuch as the fisheries in and around this island are in a comparatively primitive state, and as yet undisturbed by the multifarious appliances of bay-nets, traps, weirs, &c., which have almost destroyed the sea-coast and inland fisheries of the United States.

3. The situation of this island in the Gulf of St. Lawrence makes it one of the best fishing stations in the world, whilst along its nearly four hundred miles of sea-coast every mile abounds in cod, hake, haddock, salmon, and mackerel, as well as other fish, during the proper seasons.

Thus situated, fishermen are induced to use its ports in preference to other ports of the Dominion on the mainland.

4. With a weekly line of steamers from Charlottetown to Boston, and daily communication by rail with the different outports of this island, the American fisherman will be enabled to place his catch weekly in the United States market at a cost of one dollar per barrel from all ports of this island, receive new outfits, and continue his fishing during the season, thus saving the long and dangerous passage of each trip to and

from the United States, as well as enabling vessels to make three or four successful trips instead of one.

5. The best evidence of the value of "free fishery" to the citizens of the United States may be shown by the decrease in their tonnage and men from 1862 to 1868. In 1862, whilst they enjoyed the benefit of the Reciprocity Treaty of 1854, the United States had employed in the cod and mackerel fishery 203,000 tons, which diminished in 1868 to 84,000 tons. Last year the United States had, according to a late report, "one thousand vessels engaged in the mackerel fishery alone, worth not less than \$5,000,000, manned by more than 12,000 seamen; and the town of Gloucester, Mass., alone sent out more than 400 of these vessels."

6. In connection with these facts, it may not be out of place here to state, that Mr. Consul Jackson, in his "Report on the commercial relations of the Dominion and the United States," places the total provincial fisheries at \$11,759,530, and the United States fisheries at \$7,000,000. Owing to the very imperfect manner in which our statistics have been collected, it is difficult to obtain reliable data on the question, as far as we are concerned. For example, in the report above referred to, Prince Edward is put down as yielding only \$169,580.90, which is below our export alone for that year. Besides this, our exports could not possibly show what fish were taken inside the "three-mile line" by our own fishermen, much less by foreigners.

Annexed, marked A, is a statistical return showing the description of property used in the fisheries, and the quantity of fish caught by our fishermen, within the three-mile line, for the year 1871, by which it appears that only about two per cent. of our population are engaged in fishing pursuits; that the average value catch per man for the same is two hundred dollars, the whole catch about three hundred and twenty thousand dollars, and the number of persons engaged therein 1,646.

7. It is alleged, as we believe untruly, that the great portion of the mackerel taken by the United States fishing-fleet is obtained or caught outside the "three-mile line," but this we do not believe to be the fact, as we have no doubt, from information obtained from persons actually engaged in the fishing business, that "inside" and "outside" fishing are indispensable to the success of the voyage, and that the inside fishery in general is more productive and remunerative than the outside fishery.

8. From the 1st July to the 1st October is the mackerel season around our coasts, during which time the United States fishing-fleet pursues its work; and as it has been shown that in 1872 over one thousand sail of United States schooners from 40 to 100 tons were engaged in the mackerel fishery alone, from this fact, together with our experience arising from the collection of "Light money" (now abolished), as well as from actual observation, a fair average of United States vessels fishing around our coast during the season referred to may be safely stated at three hundred sail; and as a season's work is usually about six hundred barrels per vessel, we may fairly put down one-third of the catch as taken inside the "three-mile limit;" which should give the following result: 300 sail at 200 barrels each, 60,000 barrels, at say \$5 per barrel for net cost of fish above \$300,000, as the yearly value of the mackerel alone taken from our shores; or, as has been shown in paragraphs, each one of our own men engaged in the inshore mackerel fishing in boats shared two hundred dollars per man.

9. It will be perceived that the preceding observations relate solely to the mackerel fishery, by far the most important in our estimation;

the other descriptions of fisheries within the three mile boundary, the right to prosecute which is accorded to citizens of the United States, we conceive to be more than an equivalent for the supposed privileges conceded to British subjects on the American coasts.

10. This government trusts that one of the most important matters will not be overlooked at the conference about to take place, namely, the preservation of our fisheries, by making effectual provisions against throwing offal on the fishing grounds, as well as preventing the setting of traps, weirs, &c., unless under very stringent regulations.

11. In conclusion, we beg to bring to the notice of the Dominion Government the annexed minute of council, bearing date the 2d February, 1873, together with the address forwarded to Her Majesty the Queen from both houses of the local legislature, during the session of 1873, respecting the claims of the people of this province for a return of duties justly due to them from the United States Government under the circumstances detailed in said minute of council and address, in order that the Government of the Dominion may be enabled to press for the liquidation of these claims by an earnest appeal to the justice and honor of the United States Government through the instrumentality of the Fishery Commission.

*A.—Statistics of abstract returns from the census taken in Prince Edward Island in the year 1871.*

Number of fishing establishments .....	1.76
Barrels of mackerel cured last year.....	16,047
Barrels of herring or alewives.....	16,831
Quintals of codfish or hake.....	15,649
Pounds of hake cured last year .....	12,522
Gallons of fish-oil made last year .....	11,662
Quantity of preserved shell and other fish prepared last year .....	lbs. 6,711
Salmon taken last year, value £368 10s.....	\$1,195.58
Number of fish barrels manufactured last year.....	42,278
Number of cooper-shops .....	65
Number of boats owned for fishing purposes.....	1,183
Number of men engaged in fishing.....	1,646
Mackerel, barrels of, increase .....	8,884
Herring and alewives, decrease .....	5,584
Codfish, quintals, decrease .....	24,126
Fish-oil, decrease in gallons.....	5,947

Certified.

WILLIAM C. DESBRISAY,  
Assistant Clerk Executive Council.

*Claim for refund of duties on fish and fish-oil.*

[Copy.]

At a meeting of a committee of the executive council of Prince Edward Island, in the council chamber, on the 2d day of February, 1872,

Present: The honorable Mr. Pope, the honorable Mr. Macdonald, Mr. Colonial Secretary, Mr. Richards, Mr. Attorney-General, Mr. Lefurgy.

The following minute, addressed to the Right Honorable Earl Kimberley, Her Majesty's principal Secretary of State for the Colonies, on the subject of his lordship's dispatch, No. 48, of date the 30th December, 1871, to Lieutenant-Governor Robinson, was adopted by the committee and ordered to be handed to the lieutenant-governor for transmission to the Right Honorable Earl Kimberley, Her Majesty's principal Secretary of State for the Colonies, &c.:

The committee of the executive council of Prince Edward Island have had under consideration your lordship's dispatch, No. 48, dated the 30th December, 1871, addressed to Lieutenant-Governor Robinson, on the subject of the "refund of duties collected in the United States on fish-oil and fish exported from Prince Edward Island during the season of 1871;" also dispatch, No. 59, dated 25th July, from Lieutenant-Governor Robinson to your lordship on the same subject; also copy of a dispatch dated at Washington, 12th May, 1871, addressed to Earl Granville by Sir Edward Thornton, British Minister at Washington, and inclosing a letter which he had received from Hamilton Fish, esq., of the Department of State, Washington, dated 8th May, 1871, with Sir E. Thornton's reply thereto, on the subject of a proposed provisional arrangement he wished to make with the respective colonies named therein until legislative action could be had.

In Mr. Fish's letter of 8th May last he proposed to Sir Edward Thornton in the following words, viz :

That as the treaty could not come into full operation until the legislation contemplated in that instrument shall have taken place, and as it seems to be in accordance with the interests of both governments, in furtherance of the objects and spirit of the treaty, that the citizens of the United States should have the enjoyment of that liberty during the present season, I am directed by the President to express to you his hope that Her Majesty's Government will be prepared, in the event of the ratification of the treaty, to make on their own behalf and to urge the government of the Dominion of Canada, of Prince Edward Island, and of Newfoundland to make, for the season referred to, within their respective jurisdictions, such relaxations and regulations as it may respectively be in their power to adopt, with a view to the admission of American fishermen to the liberty which it is proposed to secure to them by the treaty. The Government of the United States would be prepared at the same time to admit British subjects to the right of fishing in the waters of the United States, specified in the treaty; but as the admission into the United States, free of duty, of any articles which are by law subject to duty cannot be allowed without the sanction of Congress, the President will, in case the above suggestion meets the views of the British Government, recommend and urge upon Congress, at their next session, that any duties which may have been collected on and after the first day of July next on fish-oil and fish, the produce of the fisheries of the Dominion of Canada and of Prince Edward Island, shall be returned and refunded to the parties paying the same, if a similar arrangement is made with respect to the admission into the British Possessions of fish-oil and fish (with certain exceptions as in the treaty), being the produce of the fisheries of the United States.

The proposal was agreed to by the government of Prince Edward Island, at the urgent request of Her Majesty's Imperial Government, and on the 24th of July last an order was issued in accordance therewith. From that date American fishermen had free use of the inshore fisheries of this island, and landed fish and fish-oil without being charged any duty therefor; while the merchants of this island, placing full faith and confidence in Mr. Fish's proposal, exported their fish to the United States, relying implicitly on the good faith of the United States Government and never doubting but that the President would recommend to and urge upon Congress the expediency of making provision for the refunding of the duties which they had paid.

The committee of the executive council now learn with great surprise that, on inquiries being made on the subject of refunding those duties, the United States Government have replied that the President did not intend to urge upon Congress the introduction of a bill in accordance with Mr. Fish's proposition. It would appear that the ground taken by the President of the United States for declining to recommend to Congress the introduction of a bill having for its object the refund of the duties paid on British fish during the past season is, that his "proposal, made through Mr. Fish in May last, contemplated the united action of

all the British colonies, and that it would not be practicable to separate them, and carry into effect for one what the President was willing to recommend for all those colonies.

The committee submit that the Treaty of Washington itself recognizes the power of each colonial government or legislature to act for itself independently of the other; that no legislation on the part of one of those governments can interfere with, or affect, or bind the territory within the jurisdiction of any other colonial government.

That the government of this island did, on the recommendation of Her Majesty's Imperial Government, on the 24th July last, issue an order as proposed by Mr. Fish, giving effect to the treaty within this island, and admitting American fishermen to the free use of its fisheries during the season of 1871; that American fishermen at once availed themselves of this valuable privilege, and during the season of 1871 were not molested in the prosecution of the fisheries around the shores of this island. That the United States consul resident here was duly notified of the relaxations made in favor of American fishermen, and that Sir Edward Thornton was at the same time informed by telegraph, by Lieutenant-Governor Robinson, that the proposals of Mr. Fish were agreed to by the government of this island; that the Government of the United States accepted all the advantages thus conferred upon their fishermen during the whole season of 1871; and now when the season has ended, and application to them to fulfill their part of the agreement thus virtually made, they repudiate the payment of the equivalent for the advantages they received, on the ground that the whole of the provinces named did not virtually accept their proposals.

If they purposed taking this course they should at once, on becoming aware that the Government of the Dominion of Canada had not acceded to their proposals, have intimated to the government of this island, through the proper official channel, that it was not their intention to fulfill their own stipulations unless united action was taken on them by all the colonies, and have forbidden their fishermen to fish within a marine league of the shores of Prince Edward Island.

Refunding those duties to the parties who pay the same is, by Mr. Fish's proposal, made contingent only on the suggestion meeting with the approval of the British Government, and not by any united action of colonial governments. That it did meet the approval of Her Majesty's Imperial Government is proved by your lordship's dispatch, No. 444, dated 17th June, 1871, addressed to Lord Lisgar, as well as by the action of the government of this island, on the 24th July last, and by the free admission, during the present season, of American fish and fish-oil to the ports of this island, and of American fishermen to the privilege of the inshore fisheries thereof.

The committee of the executive council, therefore, consider it to be their duty to call the special attention of your lordship to this extraordinary breach of faith on the part of the United States Government, by which our mercantile men will sustain heavy pecuniary losses, and they trust that Her Majesty's Imperial Government will cause the British minister at Washington to continue earnestly to urge upon the United States Government the necessity of paying a claim the justice of which cannot be disputed.

The Treaty of Washington not having yet been ratified by the legislatures of the several provinces named therein, the moral effect of the repudiation by the United States of the provisional arrangement of last

season will, if such a course be persisted in, materially strengthen the opposition to measures necessary to give effect to the said treaty.

JAMES C. POPE.

J. HEATH HAVILAND,  
*Colonial Secretary.*

FREDERICK BREKEN,  
*Attorney-General.*

A. A. McDONALD.  
WM. RICHARDS.  
JOHN LEFURGY.

(Certified.)

WILLIAM C. DESBRISAY,  
*Assistant Clerk Executive Council.*

*To the Queen's Most Excellent Majesty:*

MOST GRACIOUS SOVEREIGN: We, Your Majesty's dutiful and loyal subjects, the legislative council and house of assembly of Your Majesty's island, Prince Edward, in colonial parliament convened, desire to approach Your Majesty and respectfully submit to Your Majesty that, in a dispatch dated Dowling street, 17th June, 1871, addressed by the right honorable the Earl Kimberley, Your Majesty's principal secretary of state for the colonies, to the lieutenant-governor of Prince Edward Island, with which dispatch were inclosed copies of the treaty signed at Washington, on May 8, by the Joint High Commissioners; of two notes which had passed between Sir Edward Thornton and Mr. Fish; and of a dispatch of even date addressed by Earl Kimberley to the governor-general of Canada, stating the views of Her Majesty on these important documents, Your Majesty's Imperial Government strongly urged upon the government of Prince Edward Island that, for the reasons stated in the dispatch of Earl Kimberley to the governor-general of Canada, the same course should be pursued as in 1854; and the application made by the United States Government should be acceded to by Prince Edward Island, so that American fishermen should be allowed, during the season of 1871, the provisional use of the privileges granted to them by the treaty.

That in deference to the wishes of your Imperial Government, the government of this island promptly sanctioned the admission of American fishermen to the liberty which was intended to be secured to them by the Treaty of Washington, 1871.

That the note of Mr. Fish to Sir Edward Thornton, dated 8th May, 1871, was considered by the government of this island a proposition on behalf of the Government of the United States, "That should the government of Prince Edward Island admit American citizens to fish within the territorial waters of Your Majesty on the coasts of this island during the year of 1871, the Government of the United States would recommend and urge upon Congress, at their next session, that any duties which should be collected on and after the 1st July, 1871, on fish-oil and fish, the produce of the fisheries of Prince Edward Island, should be returned and refunded to the parties paying the same, should a similar arrangement be made with respect to the admission into Prince Edward Island of fish-oil and fish being the produce of the fisheries of the United States."

That several of Your Majesty's subjects and others, citizens of the United States, imported into the United States from Prince Edward Island, during the year 1871, quantities of fish-oil and fish, the produce of the fisheries of Prince Edward Island.

That although such importers of fish-oil and fish have demanded the return of the duties collected by the United States Government on and after 1st July, 1871, upon such fish-oil and fish, such duties have not been returned to them.

That the Government of the United States, as we believe, allege as a reason for not refunding such duties, that the proposal made in Mr. Fish's note to Sir Edward Thornton, in May, 1871, contemplated the united action of all the British North American Colonies, and that it would not be practicable to separate them, or carry into effect for Prince Edward Island what the President of the United States was willing to recommend for all those colonies.

That on the 26th September, 1871, Mr. Isaac C. Hall, an American merchant largely engaged in the exportation of fish-oil and fish from this island to the United States, addressed to the lieutenant-governor of this island a note, in which he stated in effect that recent reports from the United States led to the belief that the refusal of the Dominion of Canada to give effect to the Treaty of Washington might work adversely to the interests of this island, and prejudice her claims to a return of duties.

That to this note of Mr. I. C. Hall, Lieutenant-Governor Robinson replied, in a note dated 29th September, 1871, that in his opinion Mr. Hall's apprehensions were unfounded, which opinion, we believe, was indorsed by Sir Edward Thornton, speaking for your Majesty's Imperial Government.

That the duties paid to the United States Government, on and after the 1st July, 1871, on fish-oil and fish, the produce of the fisheries of Prince Edward Island for that season, amount to \$47,293, or thereabouts, of which sum about \$22,212 were paid by subjects of Your Majesty.

We most humbly submit to Your Majesty, that those of Your Majesty's subjects who in the year 1871 imported fish-oil and fish into the United States, under the circumstances hereinbefore set forth, believing that the duties collected thereupon by the United States Government would be refunded to them, and whose claim for a return of such duties has been refused by the Government of the United States, should not be allowed to suffer the loss of such duties by reason of the United States Government construing the offer contained in Mr. Fish's note of the 8th May differently from the sense in which it was accepted and acted upon by the government of Prince Edward Island.

That inasmuch as neither the government of this island, nor those of Your Majesty's subjects who claim the return of such duties, have the right to bring this subject to the attention of the Government of the United States, we humbly pray that Your Majesty will take the premises under your gracious consideration, in order that justice may be done those of Your Majesty's subjects who now suffer loss by reason of the United States Government refusing to fulfill the conditions of the agreement under which the citizens of the United States were in 1871 permitted to fish within the territorial waters of Your Majesty on the coasts of this island, and to prosecute the fisheries within such waters, and upon this island, upon equal terms with the subjects of Your Majesty.

## AWARD OF THE FISHERY COMMISSION. 197

V.

*Statement of the fishing license issued to American fishing-vessels during the year 1906 in the several provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing officer.*

## NOVA SCOTIA.

Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license-fee.
Lanceet.....	N. Gardner.....	Not given.....	46	10	Not given.....	Not given.....	\$0.50	\$23.50
Charger.....	W. H. Thornton.....	do .....	51	11	do .....	do .....	50	22.50
Grace Darling.....	J. L. Farwell .....	do .....	45	10	do .....	do .....	50	22.50
A. J. Franklin.....	Joseph Dougalltry .....	do .....	53	11	do .....	do .....	50	16.50
Gem of the Ocean.....	John Fisher .....	do .....	33	9	do .....	do .....	50	25.00
Emporia.....	R. Ford .....	do .....	50	13	do .....	do .....	50	25.00
M. S. Wetherall.....	N. A. McKinney .....	do .....	53	13	do .....	do .....	50	25.00
Herr Clay.....	John Stewart .....	do .....	61	14	do .....	do .....	50	25.00
J. P. Oler.....	W. Grapash .....	do .....	52	13	do .....	do .....	50	25.00
Andrew Johnson.....	S. Webber .....	do .....	57	15	do .....	do .....	50	25.00
Eben Dale.....	W. McCann .....	do .....	49	12	do .....	do .....	50	25.00
Arrequipa.....	Horace Murray .....	do .....	65	14	do .....	do .....	50	25.00
Bridget Ann.....	A. W. Rowey .....	do .....	46	11	do .....	do .....	50	25.00
Arizona.....	A. Lewis .....	do .....	62	13	do .....	do .....	50	25.00
George Clarke, Jr.....	B. Wharf .....	do .....	55	14	do .....	do .....	50	25.00
Reynals.....	A. Pinkham .....	do .....	51	15	do .....	do .....	50	25.00
Chameleoon.....	A. N. Cushing .....	do .....	47	13	do .....	do .....	50	25.00
H. S. Rose.....	J. F. Sargent .....	do .....	55	12	do .....	do .....	50	25.00
Allen Lewis.....	R. R. Wright .....	do .....	53	13	do .....	do .....	50	25.00
Chas. H. Brown.....	B. J. Cook .....	do .....	57	14	do .....	do .....	50	25.00
Bay State.....	W. Whalen .....	do .....	48	13	do .....	do .....	50	25.00
John W. Brown.....	W. Whalen .....	do .....	50	10	do .....	do .....	50	25.00
Commodore Foote.....	W. Dempsey .....	do .....	52	14	do .....	do .....	50	25.00
Bella Gilmoar.....	A. Burnham .....	do .....	45	19	do .....	do .....	50	25.00
Eastern Queen.....	William Carliss .....	do .....	51	13	do .....	do .....	50	25.00
M. A. Porter.....	M. Nelson .....	do .....	48	11	do .....	do .....	50	25.00
John Somes.....	W. M. Hart .....	do .....	56	14	do .....	do .....	50	25.00
Morning Star.....	John Carlet .....	do .....	47	13	do .....	do .....	50	25.00
Sinclair.....	George F. Rogens .....	do .....	56	14	do .....	do .....	50	25.00
Mary Lowe.....	S. W. Smith .....	do .....	47	14	do .....	do .....	50	25.00
Henry Ellsworth.....	R. Pinkham .....	do .....	53	16	do .....	do .....	50	25.00
Mary Ellen.....	R. McLean .....	do .....	53	15	do .....	do .....	50	25.00
Wild Region.....	N. Thurston .....	do .....	43	14	do .....	do .....	50	25.00
David Brown.....	F. Thomas .....	do .....	50	16	do .....	do .....	50	25.00
Northerner.....	J. L. Ronkey .....	do .....	65	18	do .....	do .....	50	25.00

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.*

Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Amount of license-fee.
Sila Gava.....	C. F. Bryant.....	Not given.....	74	17	Not given.....	Not given.....	\$7
W. H. Thurston.....	Janies Thornburn.....	do.....	48	14	do.....	do.....	\$7
Rainbow.....	Joseph Simnett.....	do.....	37	12	do.....	do.....	\$7
Reliance.....	George Brown.....	do.....	46	14	do.....	do.....	\$7
Fanny R.....	J. L. Donaldson.....	do.....	53	16	do.....	do.....	\$7
Florence.....	G. Parsons.....	do.....	45	13	do.....	do.....	\$7
Right Bower.....	A. F. Cunningham.....	do.....	53	17	do.....	do.....	\$7
E. F. Bartlett.....	J. Bartlett.....	do.....	57	16	do.....	do.....	\$7
Geo. W. Reed.....	W. Reed.....	do.....	47	13	do.....	do.....	\$7
Bounding Billow.....	C. Marr.....	do.....	23	15	do.....	do.....	\$7
Abbey M. Heath.....	E. Hopp.....	do.....	49	16	do.....	do.....	\$7
Flying Mist.....	L. Hobbs.....	do.....	52	14	do.....	do.....	\$7
Sun.....	N. P. Spear.....	do.....	66	17	do.....	do.....	\$7
Wild Rover.....	Charles Lufkin.....	do.....	67	18	do.....	do.....	\$7
Sarah Franklin.....	William Collins.....	do.....	49	11	do.....	do.....	\$7
Joseph McLean.....	H. S. Hopkins.....	do.....	51	15	do.....	do.....	\$7
Yankee Maid.....	S. Thurston.....	do.....	53	13	do.....	do.....	\$7
Edward Everett.....	G. W. Ingerson.....	do.....	53	16	do.....	do.....	\$7
Twilight.....	C. M. Curtis.....	do.....	44	12	do.....	do.....	\$7
Ceylon.....	M. V. Beverage.....	do.....	48	11	do.....	do.....	\$7
A. H. Lennox.....	G. P. Colby.....	do.....	52	14	do.....	do.....	\$7
James Seward.....	S. P. Stevenson.....	do.....	47	14	do.....	do.....	\$7
Locuston.....	E. T. Carlton.....	do.....	40	11	do.....	do.....	\$7
C. V. Minot.....	J. D. Blagden.....	do.....	45	11	do.....	do.....	\$7
Look Out.....	John Dages.....	do.....	48	13	do.....	do.....	\$7
Centre Point.....	David Oster.....	do.....	53	16	do.....	do.....	\$7
S. E. Snow.....	T. Oster.....	do.....	47	13	do.....	do.....	\$7
Lawrence.....	John Tannebo.....	do.....	45	12	do.....	do.....	\$7
Ocean Gem.....	T. W. Stewart.....	do.....	38	10	do.....	do.....	\$7
Ida May.....	J. Blatchford.....	do.....	45	11	do.....	do.....	\$7
H. D. Haskins.....	D. Melanson.....	do.....	52	15	do.....	do.....	\$7
Flora Temple.....	William West.....	do.....	51	16	do.....	do.....	\$7
J. J. Burns.....	J. R. McDonald.....	do.....	52	16	do.....	do.....	\$7
Live Yankee.....	G. C. Johnson.....	do.....	49	14	do.....	do.....	\$7
Water Sprite.....	Ira Foss.....	do.....	45	14	do.....	do.....	\$7
Aranda.....	J. A. Crossman.....	do.....	41	13	do.....	do.....	\$7
Hearstige.....	G. A. Clement.....	do.....	57	15	do.....	do.....	\$7
Fish Hawk.....	William M. Clement.....	do.....	54	17	do.....	do.....	\$7
Ocean Lodge.....	Lori McLean.....	do.....	44	14	do.....	do.....	\$7
Martha Ellis.....	William Thomas.....	do.....	42	14	do.....	do.....	\$7
	J. Martin.....	do.....	47	15	do.....	do.....	\$7



## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.*

Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license-fee.
Joe Hooker.....	O. Thomas.....	Not given.....	54	15	Not given.....	Not given.....	\$0 30	\$27 00
Witchcraft.....	V. Grant.....	do	51	13	do	do	50	25 50
Princess.....	E. Hopkins.....	do	53	15	do	do	50	26 50
Oscar.....	P. Mallook.....	do	48	12	do	do	50	24 50
D. H. Mansfield.....	J. W. Prowl.....	do	37	17	do	do	50	18 30
Pacific.....	N. G. McMahon.....	do	45	13	do	do	50	22 50
Abey H. Sausey.....	Charles Griffin.....	do	52	14	do	do	50	26 00
Olivia Maria.....	C. McDonald.....	do	50	14	do	do	50	25 00
Wingate Sheek.....	E. Butler.....	do	61	16	do	do	50	30 50
Black Swan.....	P. Mullin.....	do	49	13	do	do	50	24 50
General Sherman.....	S. Goodwin.....	do	62	16	do	do	50	26 50
E. R. Notterman.....	A. Notterman.....	do	53	14	do	do	50	26 50
H. M. Lyons.....	G. W. Myer.....	do	57	15	do	do	50	28 50
Monitor.....	John W. Rich.....	do	60	15	do	do	50	30 00
Edward L. Cook.....	Edward Morris.....	do	58	16	do	do	50	28 00
Village Bridge.....	D. V. Thiburne.....	do	64	15	do	do	50	29 50
Atlantic.....	B. McComas.....	do	35	12	do	do	50	17 50
Waterfall.....	H. Campbell.....	do	57	15	do	do	50	28 50
Oceania.....	A. W. Cadde.....	do	44	13	do	do	50	28 00
Julis Parsons.....	D. Douglass.....	do	74	18	do	do	50	37 50
General Grant.....	J. Orchard.....	do	77	16	do	do	50	37 50
A. W. Doid.....	E. A. Harton.....	do	43	12	do	do	50	21 50
Leaping Water.....	J. Dunton.....	do	50	10	do	do	50	25 00
C. B. Jones.....	Henry Smith.....	do	55	14	do	do	50	29 00
Montgomery.....	George Byers.....	do	37	12	do	do	50	18 50
Collector.....	C. B. Crockett.....	do	38	15	do	do	50	26 50
Onille.....	B. Baller.....	do	21	9	do	do	50	10 50
F. Skilling.....	Moses Griffin.....	do	46	13	do	do	50	23 00
V. T. Emerson.....	B. T. Warren.....	do	69	16	do	do	50	31 50
Joseph Story.....	C. H. Owen.....	do	51	14	do	do	50	23 50
Witch of the Wave.....	Lewis Smith.....	do	48	13	do	do	50	24 00
Revenue.....	J. Morey.....	do	35	13	do	do	50	17 50
H. M. Woodward.....	George H. Smith.....	do	74	17	do	do	50	37 00
M. A. Brewer.....	W. G. Turner.....	do	43	13	do	do	50	21 50
M. J. Sewell.....	Levi Raff.....	do	42	12	do	do	50	21 00
HIGHLAND LASS.....	R. Smith.....	do	47	14	do	do	50	23 50
Allamah.....	William Brown.....	do	51	13	do	do	50	23 50
Laure Jayward.....	F. H. Brown.....	do	57	15	do	do	50	23 50
Sarah Ellen.....	Truman Scott.....	do	35	11	do	do	50	17 50
Hattie Lewis.....	C. MacPherson.....	do	49	19	do	do	50	24 00
Shooting Star.....	H. Leadbetter.....	do	53	14	do	do	50	24 00

Harvest Home .....	John Knowles .....
Julia Grace .....	Charles Iselin .....
Beth R. Harris .....	M. D. Wilson .....
F. K. Riger .....	N. Murphy .....
Lucy J. Warren .....	D. W. Hatch .....
Lucy Ann .....	Thomas Harvey .....
Golden Eagle .....	S. N. Hendrick .....
R. G. Sawyer .....	G. W. Adams .....
Victory .....	James Gordon .....
Ann Lewis .....	A. G. Sawyer .....
R. S. Warren .....	F. J. Pickering .....
Lizzie Williams .....	E. C. Cooper .....
Annie H. Frye .....	William Frye .....
Mary Frances .....	E. F. Small .....
Atolia .....	William Greenleaf .....
Sparkler .....	H. F. Cole .....
Battle .....	C. P. Sawyer .....
Isaac Service .....	M. Grimes .....
Oraniske .....	A. Knudtson .....
J. B. Haskell .....	J. B. Haskell .....
Tookella .....	F. K. Reed .....
J. B. Wood .....	J. B. Wood .....
Australia .....	M. Rand, Jr. .....
J. S. Sandborn .....	J. Spofford .....
Catania .....	O. T. Howard .....
Cape Ann .....	James D. Barker .....
Annie Harris .....	E. C. Harris .....
Wenonah .....	George Taylor .....
George S. Lowe .....	Z. Tarr .....
Saman's Pride .....	C. M. Christie .....
J. L. Mayo .....	J. Christie .....
D. H. Hoofkins .....	M. C. Dunton .....
C. D. Oliver .....	H. G. Conaway .....
Baunton .....	R. Cooper .....
Ada A. Frye .....	Charles Reed .....
Silver Lake .....	M. M. Walsh .....
Winged Arrow .....	J. R. Thomson .....
J. C. Spoutard .....	Lilly Dale .....
Laura M. Mangum .....	W. Gardner .....
Colorado .....	E. Stapleton .....
E. L. Tryehen .....	J. W. Collina .....
Emma Brown .....	R. J. Reeves .....
Island Queen .....	Edward Cash .....
A. N. Nash .....	G. R. Syreeter .....
Endeavor .....	Sydney Smith .....
William T. Smith .....	William Fisher .....
David Brown .....	do .....
J. Gardner .....	do .....
B. H. Syreeter .....	do .....
William Webb .....	do .....
A. C. Thomson .....	do .....
George E. Day .....	do .....

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.*

Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Awardment of license-fee.
Finback	C. A. Thompson	Not given	96	15	Not given	Not given	\$0	\$0
Helen Maria	D. B. Thurston	do	43	12	do	do	\$0	\$0
Priscilla Brown	R. N. Salvatore	do	34	10	do	do	\$0	\$0
Charlotte Brown	Seth Hatch	do	58	15	do	do	\$0	\$0
Hannibal	A. T. Hardy	do	33	12	do	do	\$0	\$0
Annie Freeman	M. Reed	do	51	14	do	do	\$0	\$0
Sunny Side	John Grant	do	46	14	do	do	\$0	\$0
D. C. Maxwell	C. Maxwell	do	52	15	do	do	\$0	\$0
Joe Hooker	J. E. Grindle	do	56	15	do	do	\$0	\$0
John Prew	E. M. Staples	do	45	13	do	do	\$0	\$0
Golden Rule	D. J. Staples	do	42	12	do	do	\$0	\$0
Paragon	B. J. Morse	do	45	13	do	do	\$0	\$0
Deocat	Thomas F. Hodges	do	51	15	do	do	\$0	\$0
Fanny Fern	Edward Horn	do	48	13	do	do	\$0	\$0
Electric Flash	J. McDonald	do	52	16	do	do	\$0	\$0
Colonel Cook	George Bearse	do	54	14	do	do	\$0	\$0
Harriet Smithson	A. Hawke	do	49	14	do	do	\$0	\$0
S. S. Day	Henry Hardy	do	54	14	do	do	\$0	\$0
Sea Spray	Eduin Keen	do	49	11	do	do	\$0	\$0
G. F. Keen	do	63	16	do	do	do	\$0	\$0
General Butler	George Whalen	do	53	14	do	do	\$0	\$0
L. A. Dodd	H. Knowleston	do	61	15	do	do	\$0	\$0
George O. Hovey	D. Roberta	do	55	14	do	do	\$0	\$0
O. H. Robinson	Thomas Barry	do	43	13	do	do	\$0	\$0
Silver Moon	D. Jewett	do	53	16	do	do	\$0	\$0
Elaineur	William H. Lowe	do	37	11	do	do	\$0	\$0
Waverley	A. C. Study	do	51	12	do	do	\$0	\$0
Ellas Abby	Edward Hill	do	39	9	do	do	\$0	\$0
George H. Rogers	R. Allen	do	46	13	do	do	\$0	\$0
Oriental	C. W. Oster	do	73	17	do	do	\$0	\$0
Webster	D. W. Hillier	do	53	13	do	do	\$0	\$0
Montezuma	S. P. Grant	do	50	15	do	do	\$0	\$0
Alcols	D. W. Lowe	do	54	15	do	do	\$0	\$0
James Poole	William Davis	do	46	13	do	do	\$0	\$0
Volunteer	William Elkinham	do	51	13	do	do	\$0	\$0
High Flyer	J. B. Smith	do	53	14	do	do	\$0	\$0
Fleetwing	James Turner	do	49	14	do	do	\$0	\$0
M. S. Manson	S. Gibson	do	50	13	do	do	\$0	\$0
Industrious	W. Lewis	do	52	16	do	do	\$0	\$0
Levi Blake	do	13	do	do	do	do	\$0	\$0
Show Squall	F. M. Hodgson	do	46	11	do	do	\$0	\$0

Island Queen	do	do	do
Ornado	J. W. Rowe	do	do
Afarita	Samuel T. Rose	do	do
L. M. Warren	S. G. Blockmaster	do	do
Palm Boat	Charles Watts	do	do
L. S. Reed	H. G. Race	do	do
Bonaventure	William McKnight	do	do
Dard	J. P. Thompson	do	do
Preference	A. Thurston	do	do
Light of Hope	Oriental	Booth Bay, Me.	Not given
Blooming Dale	P. Caffery	Glenocaster, Mass.	do
Hattie	G. W. Cook	Eastport, Me.	do
Forest Queen	Callin E. Hillie	Glenocaster, Mass.	do
Paul Pry	William Mallock	Eastport, Me.	do
Northwester	J. B. Foster	Glenocaster, Mass.	do
Col. Ellsworth	George Robinson	Portland, Me.	do
Julia Ellen	John E. Troft	Glenocaster, Mass.	do
Franklin Snow	D. D. Goffey	Glenocaster, Mass.	do
Harvey C. Mackay	John McMullen	Newcastle, N. H.	do
One Star	Thomas White	Breunton, Me.	do
John H. Kenny	George F. Keen	Boston, Mass.	do
Fenian	Sylvester Whalen	Glenocaster, Mass.	do
Rival	George H. Curtis	Portland, Me.	do
J. G. Craig	J. G. Craig	Glenocaster, Mass.	do
Scotland	J. W. Pettit	do	do
James S. Ayre	Samuel Boeys	Newburyport, Mass.	do
G. W. Brown	James Brady	Glenocaster, Mass.	do
Flying Cloud	James Channing	do	do
Alabama	Joseph Smith	do	do
General Grant	William Coop.	do	do
Abigail	Andrew Weaver	South O' t. Me.	do
King Fisher	Jos. P. Hodson	Glenocaster, Mass.	do
Margaret	P. J. Fanning	do	do
Masena	G. H. Davis	do	do
Lady Franklin	E. M. Olson	do	do
Morning Light	O. Pinkham	do	do
Natlie May	W. Gannan	do	do
C. R. Manning	P. Sinclair	do	do
Eureka	W. E. Rowe	do	do
Hattie B. West	H. Parhurst	do	do
Weather Gage	A. C. Thomas	do	do
Onward	E. J. Reed	do	do
W. S. Baker	A. K. Price	do	do
Ellen Francis	L. Money	do	do
Pecadon	W. J. Rogers	do	do
Romp	G. H. Martin	do	do
Charles C. Dame	H. R. Smith	do	do
Ocean Ranger	T. H. Parsons	do	do
Nevada	L. W. Wooster	do	do
William Sutton	Charles Lee	do	do
Iago Rich	F. H. Bryan	do	do
John Bright	A. Rigg	do	do

## AWARD OF THE FISHERY COMMISSION.

<sup>n</sup> Statement of the fishing-licenses issued to American fishing-vessels during the year 1866, &c.—Continued.

Name of vessel.	Owner.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license fee.
Clara B. Warren.....	J. Brown.....	Gloucester, Mass.....	51	15	Not given.....	Not given.....	\$0 50	\$0 50
Azuela and Laura.....	S. Molindoo.....	Georgetown.....	109	17	do	do	34 50	34 50
S. C. Nightingale.....	M. Small.....	Eastport, Me.....	48	13	do	do	39 00	39 00
Hannah Elbridge.....	J. Hodson.....	Booth Bay, Me.....	79	14	do	do	14 50	14 50
J. F. Lane.....	J. Baker.....	do.....	29	11	do	do	29 50	29 50
William Inday.....	B. Phasan.....	Walborough, Me.....	53	15	do	do	16 00	16 00
Dona.....	George E. Keen.....	Belfast, Me.....	59	13	do	do	37 00	37 00
Sunbeam.....	James Colton.....	do.....	50	13	do	do	22 50	22 50
Forest Queen.....	J. S. Condon.....	Southport.....	45	9	do	do	30 00	30 00
Cora Greenwood.....	Chandler Jewitt.....	Newburgh.....	32	18	do	do	45 00	45 00
Eldorado.....	A. Spottard.....	Walborough, Me.....	74	15	do	do	20 50	20 50
Ocean Pearl.....	Asa Pearl.....	Southport.....	19	19	do	do	20 50	20 50
William Keen.....	Joseph Doty.....	Southport, Me.....	50	14	do	do	20 50	20 50
Willie G.....	S. L. Hodgson.....	Gloucester, Mass.....	59	14	do	do	20 50	20 50
Cadet.....	G. S. Williams.....	do.....	60	14	do	do	20 50	20 50
Leonard McKonkie.....	Samuel McRennant.....	Gloucester, Mass.....	64	15	do	do	20 50	20 50
Fannie Gilmon.....	A. W. McRennant.....	Gloucester, Mass.....	90	17	do	do	20 50	20 50
Canada.....	Edward Geary.....	North Haven.....	59	15	do	do	20 50	20 50
Coral.....	Angus McDonald.....	Gloucester, Mass.....	55	13	do	do	20 50	20 50
Fleetwood.....	Rufina Young.....	do.....	53	10	do	do	20 50	20 50
R. Haskell.....	William Fly.....	Gloucester, Mass.....	48	13	do	do	24 00	24 00
Idoli.....	P. Hennessy.....	do.....	50	11	do	do	24 00	24 00
E. A. D. Holt.....	G. H. Love.....	Southport, Me.....	81	18	do	do	20 50	20 50
Atlantic.....	Henry Pierce.....	Gloucester, Mass.....	64	14	do	do	20 50	20 50
Patrol.....	Ben Belle.....	Southport, Me.....	53	16	do	do	20 50	20 50
Saul.....	James H. Rand.....	Gloucester, Mass.....	53	11	do	do	20 50	20 50
Florence Reed.....	Joe Simpson.....	Southport, Me.....	61	14	do	do	30 50	30 50
Queen of the Fleet.....	M. S. Brewer.....	Gloucester, Mass.....	68	16	do	do	26 50	26 50
Elisha Holmes.....	O. B. Flinch.....	do.....	53	14	do	do	26 00	26 00
Light Foot.....	J. C. Sherlock.....	do.....	56	13	do	do	20 00	20 00
Mystic Tie.....	F. D. Dunton.....	Woolwich, Me.....	49	9	do	do	25 00	25 00
Samuel Weston.....	Harry Williams.....	Gloucester, Mass.....	50	10	do	do	33 00	33 00
Annie Sargent.....	J. K. McKinstry.....	Booth Bay.....	66	14	do	do	33 00	33 00
Rambler.....	John Cameron.....	Gloucester, Mass.....	67	13	do	do	36 00	36 00
Flying Fish.....	J. E. Thomson.....	Southport, Me.....	73	17	do	do	24 00	24 00
Belle Brandon.....	David A. Beans.....	Gloucester, Mass.....	60	12	do	do	20 00	20 00
Freedom.....	W. A. Mackay.....	Thomas Hedge.....	48	11	do	do	20 00	20 00
Charles Carroll.....	John Adams.....	Booth Bay.....	58	14	do	do	20 50	20 50
Village Belle.....	George R. Dunton.....	Southport.....	64	13	do	do	20 50	20 50
Arctic.....			59	13			18,779	9,389 50
Total, 351 vessels.....								

## CANADA (PROVINCE OF QUEBEC).

## AWARD OF THE FISHERY COMMISSION.

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Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license-fee.
Charles Shearer.....	Samuel W. Brown .....	Gloucester, Mass .....	97	Not given.	On board La Canadienne .....	P. Fortin	\$0 50	\$4 50
Empire State.....	S. Smith, sr .....	do .....	57	do	do .....	do .....	50	\$8 50
Empire S. Daglo.....	do .....	do .....	74	do	do .....	do .....	50	\$7 00
Carrie S. Daglo.....	do .....	do .....	70	do	do .....	do .....	50	\$6 00
Eastern Light.....	J. O. Proctor .....	Newburyport, Mass .....	44	do	do .....	do .....	50	\$2 00
Juliet.....	Thomas H. Phillips .....	Waldborough, Me .....	66	do	do .....	do .....	50	\$3 00
Geo. B. McClellan.....	R. A. Jordan .....	Boston, Mass .....	33	do	do .....	do .....	50	\$1 50
Abbie Keen.....	N. S. Jordan .....	Waldborough, Me .....	33	do	do .....	do .....	50	\$0 50
Abden Keen.....	do .....	do .....	do	do	do .....	do .....	50	\$0 50
Samuel W. Brown .....	Waterman T. Keen .....	Gloucester, Mass .....	43	do	do .....	do .....	50	\$1 50
Ada L. Harris .....	A. Irel Smith .....	do .....	59					
<b>Total, 10 vessels.....</b>								<b>\$96 00</b>

## NEW BRUNSWICK.

Province.	Vessels.	Tons.	Amount of license-fee.
Peryntha Davis.....	Noehemiah Ingall .....	Mount Desert .....	\$0 26
		5	\$13 00
<b>Total, 1 vessel.....</b>		<b>5</b>	<b>\$13 00</b>

## PRINCE EDWARD ISLAND.

Province.	Vessels.	Tons.	Amount of license-fee.
89 vessels.....		5, 563 58	
			<b>\$3, 359 35</b>
<b>Total .....</b>		<b>5, 563 58</b>	<b>\$3, 359 35</b>

## RECAPITULATION.

Provinces.	Vessels.	Tons.	Amount of license-fee.	Rate per ton.	Amount of license-fee.
Nova Scotia.....	354	18, 779		\$0 50	\$9, 389 50
New Brunswick .....	1	96	do .....	50	\$13 00
Quebec.....	10	592	do .....	50	\$296 00
Prince Edward Island .....	89	5, 563 58	do .....	50	\$3, 359 35
<b>Total .....</b>	<b>454</b>	<b>24, 922 58</b>			<b>13, 637 85</b>

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-sea-sails during the year 1867, in the several provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing officer.*

## NOVA SCOTIA.

Name of vessel.	Owner.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of licensee-fee.
Martha A. Brever	William J. Turner	Belfast, Me.	44	Not given.	Port Mulgrave .....	V. J. Wallace .....	\$1.00	\$4.00
Mary Ellen	William Warr.	Glocester, Mass.	54	do	do .....	do .....	1.00	54.00
Wild Pigeon	N. Thurston	do .....	46	do	do .....	do .....	1.00	46.00
Ida C. Shaftord	G. Shaftord	do .....	47	do	do .....	do .....	1.00	47.00
Banner	D. McFarlane	Belfast, Me.	46	do	do .....	do .....	1.00	46.00
Rabbit	James Crushing	Glocester, Mass.	57	do	do .....	do .....	1.00	57.00
Forest Queen	David Smith	do .....	51	do	do .....	do .....	1.00	51.00
Lilly Dale	W. Gardner	do .....	59	do	do .....	do .....	1.00	59.00
Wingeraheek	E. Butler	Damariscotta, Me.	55	do	do .....	do .....	1.00	55.00
General Grant	Thomas Petty	Glocester, Mass.	62	do	do .....	do .....	1.00	62.00
Wm. T. Merchant	Patrick Malady	do .....	54	do	do .....	do .....	1.00	54.00
Montana	M. M. Walsh	Wellfleet, Mass.	77	do	do .....	do .....	1.00	77.00
Isabel L. Pierco	D. Y. Pearce	Provincetown, Mass.	71	do	do .....	do .....	1.00	71.00
Cora Morrison	Charles Higgins	Boston, Mass.	52	do	do .....	do .....	1.00	52.00
Seresa Ann	Charles & Clark	do .....	49	do	do .....	do .....	1.00	49.00
Sea Witch	A. Brusen	Cohasset, Mass.	96	do	do .....	do .....	1.00	96.00
Funback	J. W. Graham	Glocester, Mass.	55	do	do .....	do .....	1.00	55.00
F. M. Loring	Benjamin Ryder	Irauro, Mass.	49	do	do .....	do .....	1.00	49.00
Feathering	Samuel Gibson	do .....	38	do	do .....	do .....	1.00	38.00
Leonard B. Show	William Hampson	Glocester, Mass.	34	do	do .....	do .....	1.00	34.00
Laura M. Mangan	Charles Lukin	do .....	67	do	do .....	do .....	1.00	67.00
Wild Rover	W. A. Dickey	Belfast, Me.	33	do	do .....	do .....	1.00	33.00
Sea Flower	A. Joseph	Cohasset, Mass.	47	do	do .....	do .....	1.00	47.00
Omega	John Orchard	Southport, Me.	70	do	do .....	do .....	1.00	70.00
General Grant	G. E. Lane	Glocester, Mass.	47	do	do .....	do .....	1.00	47.00
Good Templar	William Davis	do .....	53	do	do .....	do .....	1.00	53.00
Northern Star	George Beards	do .....	54	do	do .....	do .....	1.00	54.00
Cedonal Cook	Thomas Hodges	Southport, Me.	68	do	do .....	do .....	1.00	68.00
Re-Union	Henry Campbell	Portland, Me.	57	do	do .....	do .....	1.00	57.00
Frank Skilling	Moses Griffin	Camden, Me.	46	do	do .....	do .....	1.00	46.00
Dablin Wave	Ezra Hall	Glocester, Me.	53	do	do .....	do .....	1.00	53.00
Florence Reed	H. Thompson	Camden, Me.	48	do	do .....	do .....	1.00	48.00
Grace Darling	L. Woodworth	Glocester, Mass.	45	do	do .....	do .....	1.00	45.00
Highflyer	James Turner	Deer Island, Me.	49	do	do .....	do .....	1.00	46.00
Snow Squall	E. Field	Truro, Mass.	46	do	do .....	do .....	1.00	46.00
Witch of the Wave	Lewis Smith	do .....	48	do	do .....	do .....	1.00	48.00

## AWARD OF THE FISHERY COMMISSION.

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Edw. A. Gruler	R. H. Newcomb	Welfleet, Mass.
Monterey	J. C. Webster	Rockport, Me.
D. H. Blahee	J. S. Fernall	Camden, Me.
P. L. Whiton	A. G. Rich	Hingham, Mass.
Exchange	B. H. Lombard	Hingham, Mass.
Monitor	John B. Rich	do
E. A. Lombard	do	do
G. M. Hopkins	E. A. Lombard	Truno, Mass.
Mary A. Snow	Allan W. Rich	Hingham, Mass.
Ocean Belle	M. Antoline	Cohasset, Mass.
General Grant	Manuel Rios	do
George Wilton	William Coes	Glocester, Mass.
A. H. Paye	M. K. Parsons	Provincetown, Mass.
Bruce Phauns	John Collins	Hingham, Mass.
Island Queen	J. W. Edwards	Princetown, Mass.
K. K. Dresser	John Collins	Glocester, Mass.
Eastern Light	Charles Reed	Gloucester, Mass.
M. C. Rose	John I. Howard	Booth Bay, Me.
Mary Snow	Albert Tarr	Gloucester, Mass.
Mille Washburn	S. J. Rich	do
Seacador	James E. Atwood	Truno, Mass.
Alaska	E. J. Reed	Provincetown, Mass.
Barbara Friedkin	Aaron Biggs	Glocester, Mass.
Chaldeodony	William Herrick	Glocester, Mass.
William Sutton	Gilbert Davis	do
Emma J. Gott	Charles Lee	Castine, Me.
Juliet M. Floden	B. H. Sylvester	Provincetown, Mass.
Highland Chief	R. A. Rich	Trewo, Mass.
Golden Eagle	J. A. Freeman	Provincetown, Mass.
Thos. Finch	I. G. Rand	do
Kit Carson	George Pettigrew	Provincetown, Mass.
W. H. Atwood	H. A. Grinn	Welfleet, Mass.
Ella L. Sylvester	George R. Sytreter	Deer Isle, Me.
Allan Lewis	F. K. Reed	Booth Bay, Me.
Wenonah	George Taylor	Cohasset, Mass.
Diamond	William B. Taylor	Harwich, Mass.
Ella L. Trefethen	Eben Brewer	Portland, Me.
Equity (boat)	Thomas Kimball	Glocester, Mass.
David A. Osier	Charles W. Oster	do
Smith Tuttle	N. Saunders	do
Charlotte Johnson	James Wyley	Welfleet, Mass.
Florence	G. Parsons	Glocester, Mass.
Yeoman	Horace Mitchell	Belfast, Me.
Circassian	J. Syveter	do
Oak Grove	Samuel Burgess	do
James Jewett	J. M. Banks	do
Mary Low	W. H. Adams	do
Maria Webster	W. C. Newcomb	do
Aimana (boat)	W. P. Clerk	Frankfort, Me.
Abigail Brown	James McNeil	Glocester, Mass.

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1867, &c.—Continued.*

Name of vessel	Owners	Port	Tons	Men	Where issued	Name of officer.	Rate per ton.	Amount of license fee.
John W. Brown .....	M. Whelan	Gloucester, Mass	51	Not given	Port Mulgrave .....	V. J. Wallace .....	\$1 00	\$1 00
A. H. Lemiox .....	George F. Colby .....	Westport, Me .....	63	do	do .....	do .....	63 00	63 00
Hannibal .....	A. T. Hardy .....	Deer Isle, Me .....	38	do	do .....	do .....	46 00	46 00
Fanny .....	Francis J. Jarvis .....	Newburyport, Mass .....	46	do	do .....	do .....	37 00	37 00
Parson .....	Isaac F. Morse .....	Salem, Mass .....	37	do	do .....	do .....	34 00	34 00
W. Tell (boat) .....	George W. Adams .....	Gloucester, Mass	24	do	do .....	do .....	63 20	63 20
Fanny Gillmor .....	N. McKinney .....	do .....	65	do	do .....	do .....	33 00	33 00
Clara E. Warren .....	James Brown .....	do .....	58	do	do .....	do .....	46 00	46 00
Sabine .....	Thomas Grady .....	Boston, Mass .....	46	do	do .....	do .....	72 00	72 00
Anna C. Warren .....	A. Fred. Hall .....	Provincetown, Mass .....	72	do	do .....	do .....	45 00	45 00
C. P. Howard .....	C. L. Rice .....	Gloucester, Mass .....	45	do	do .....	do .....	52 00	52 00
Right Bower .....	L. Hobbe .....	do .....	53	do	do .....	do .....	53 00	53 00
Winged Arrow .....	John R. Hanley .....	Pawam, Mass .....	53	do	do .....	do .....	39 00	39 00
J. Park .....	E. L. Newcomb .....	Gloucester, Mass .....	39	do	do .....	do .....	36 00	36 00
A. P. Lindberry .....	George C. Johnson .....	Dartmouth, Mass .....	50	do	do .....	do .....	45 00	45 00
Samuel Chase .....	P. Gifford .....	Wellfleet, Mass .....	36	do	do .....	do .....	59 20	59 20
Telegraph .....	John E. Kemp .....	Gloucester, Mass .....	67	do	do .....	do .....	49 00	49 00
Lucille Curtis .....	M. Whelan .....	Hingham, Mass .....	45	do	do .....	do .....	58 00	58 00
Fannie L. Nye .....	R. W. Laird .....	do .....	59	do	do .....	do .....	48 00	48 00
Total Wave .....	S. D. Rice .....	do .....	49	do	do .....	do .....	56 00	56 00
Shusinbie .....	George S. Rogers .....	Glooscap, Mass .....	56	do	do .....	do .....	46 00	46 00
Fish Hawk .....	Oliver Thomas .....	do .....	49	do	do .....	do .....	61 00	61 00
Joe Hooker .....	L. N. McLean .....	do .....	56	do	do .....	do .....	53 00	53 00
West Point .....	S. Jeffery .....	North Haven, Me .....	46	do	do .....	do .....	61 00	61 00
Caylon .....	W. V. Beverage .....	Gloucester, Mass .....	61	do	do .....	do .....	53 00	53 00
M. L. Wetherill .....	N. McKinney .....	Chatham, Mass .....	53	do	do .....	do .....	90 00	90 00
Mary S. Hard .....	J. F. Nixon .....	Gloucester, Mass .....	90	do	do .....	do .....	47 00	47 00
Laura A. Dodd .....	Harvey Knowlton .....	Nantucket, Mass .....	47	do	do .....	do .....	49 00	49 00
Oliver Cromwell .....	B. M. Trp .....	Gloucester, Mass .....	42	do	do .....	do .....	50 00	50 00
Cadet .....	George H. Clark .....	Charles H. Nutt .....	53	do	do .....	do .....	47 00	47 00
Lightfoot .....	A. blsia Done .....	Harwich, Mass .....	74	do	do .....	do .....	62 00	62 00
K. R. Alwood .....	N. P. Higgins .....	Newburyport, Mass .....	61	do	do .....	do .....	61 00	61 00
Alce P. Higgins .....	E. R. Atwood .....	do .....	49	do	do .....	do .....	49 00	49 00
R. D. Prince .....	Z. Rich .....	do .....	35	do	do .....	do .....	35 00	35 00
India (boat) .....	E. Evans .....	Gloucester, Mass .....	50	do	do .....	do .....	53 00	53 00
Sea Spray .....	J. Daniels .....	do .....	47	do	do .....	do .....	46 00	46 00
Ocean Gem .....	William Lawrence .....	do .....	62	do	do .....	do .....	53 00	53 00
Arizona .....	W. Greenleaf .....	do .....	53	do	do .....	do .....	46 00	46 00
Lottie F. Babson .....	R. D. Terry .....	do .....	46	do	do .....	do .....	44 00	44 00
Isaac Walton Star .....	James W. Eaton .....	Castine, Me .....	do .....	do .....	do .....	do .....	do .....	do .....

## AWARD OF THE FISHERY COMMISSION.

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C. G. Dame .....	H. K. Smith .....	Gloster, Mass .....
R. W. Merchant .....	W. R. Gould .....	do .....
Bay State .....	W. X. Walsh .....	do .....
Lancet .....	William Thomas .....	do .....
May Queen .....	George E. Forrest .....	do .....
Franklin Pierce .....	M. Stevens .....	do .....
Commodore Foote .....	W. Dempsey .....	do .....
Eben Dale .....	James S. Bell .....	do .....
Morning Star .....	do .....	do .....
Ferrant .....	Joseph Martin .....	do .....
W. R. Pease .....	John Porter .....	do .....
Charles W. Brown .....	W. Mullock .....	do .....
Ariola .....	B. G. Cook .....	do .....
C. V. Minot .....	B. D. Torrey .....	do .....
George Peabody .....	A. L. Colby .....	do .....
Alroe M. Gould .....	R. Pinkham .....	do .....
Telegraph .....	John Gould .....	do .....
Charles .....	Iesse Hutton .....	do .....
Centre Point .....	William H. Thurston .....	do .....
G. G. Kidder .....	Timothy Oster .....	do .....
Andrew Johnson .....	George M. Reid .....	do .....
W. H. Thurston .....	W. Mc Lellan .....	do .....
Volunteer .....	George Thorburn .....	do .....
Isaac Scovis .....	J. B. Smith .....	do .....
Laura F. Chester .....	A. C. Adams .....	do .....
Vision .....	E. Coffin .....	do .....
Flying Mist .....	R. D. Cobb .....	do .....
Eastern Clipper .....	N. Nickerson .....	do .....
Archer .....	S. Nickerson .....	do .....
Ocean Lodge .....	W. D. Barter .....	do .....
Weatherage .....	George W. Pierce .....	do .....
Ann Maria .....	Alexander Smith .....	do .....
H. B. Stanwood .....	J. J. Coffin .....	do .....
Fashion .....	A. J. Hammond .....	do .....
Abby More .....	John Peterson .....	do .....
Priam Donnas .....	K. J. Hopkins .....	do .....
Chiaparral .....	A. E. Small .....	do .....
Ella Jane .....	T. H. Ted .....	do .....
H. A. Johnson .....	Alonzo Holbrook .....	do .....
Everdale .....	John Scott .....	do .....
Eileen France .....	Lawrence Meney .....	do .....
Traverse .....	Freeman Gott .....	do .....
David Brown, Jr. .....	F. Thomas .....	do .....
Edubaldo .....	Robert McLellan .....	do .....
S. E. Nightingale .....	G. W. Hilyard .....	do .....
Robert Emmet .....	Hugh Foley .....	do .....
Empire State .....	Stephen Smith .....	do .....
T. S. Mayo .....	J. F. Critchett .....	do .....
Mary Lizzie .....	C. B. Jewett .....	do .....
Sarah E. Babson .....	E. Tarlton .....	do .....
Amos Cutler .....	A. F. York .....	do .....
Fred L. Webb .....	Daniel Greenleaf .....	do .....

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1867, &c.—Continued.*

Name of vessel.	Owner.	Port	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license fee.
Martha A. Porter	D. Ingeroll	Gloster, Mass.	51	Not given.	Port Mulgrave .....	V. J. Wallace .....	\$1 00	\$1 00
Express	Richard Murphy	Fortland, Me.	50	do	do	do	46 88	23 44
Good Templar	T. D. Woodbury	Gloucester, Mass.	46	do	do	do	51 00	25 50
Flurry	S. W. Smith	do	51	do	do	do	53 00	26 50
Roger Williams	C. C. Poole	Rockport, Mass.	53	do	do	do	46 88	23 44
John W. Sealy	W. O. Purver	Wellsfleet, Mass.	92	do	do	do	52 00	26 00
Mary B. Dyer	A. T. Webber	Gloster, Mass.	61	do	do	do	51 00	25 50
Samuel F. Sawyer	Thomas McFarlane	Bristol, Me.	52	do	do	do	51 00	25 50
Puffball	P. Faunius	Gloster, Mass.	43	do	do	do	43 88	21 94
Margot	H. McFarlane	Gloster, Me.	50	do	do	do	50 00	25 00
Mountain Laurel	Henry Williams	do	51	do	do	do	51 00	25 50
Desotah	James Tabin	do	61	do	do	do	51 00	25 50
Theo. Hunt	A. Sweetser	Dear Isd., Me.	44	do	do	do	51 00	25 50
Golden Eagle	R. Fraser	Wellsfleet, Mass.	61	do	do	do	51 00	25 50
H. A. Wood	James W. Jordan	Deer Isle, Me.	50	do	do	do	51 00	25 50
Highland Lassie	L. McClintock	Booth Bay, Me.	48	do	do	do	43 88	21 94
Oil Chad	E. C. Harris	Bremen, Me.	52	do	do	do	51 00	25 50
Annie Harris	A. Shorever	Gloster, Mass.	51	do	do	do	51 00	25 50
S. A. Parkhurst	Mark Sweeney	do	53	do	do	do	52 00	26 00
Fannie R.	E. Alexander	North Haven, Me.	47	do	do	do	47 88	23 94
Shootin' Star	Samuel Rice	Gloster, Mass.	56	do	do	do	56 88	28 44
James S. Ayer	E. C. Cooper	Camden, Me.	51	do	do	do	51 00	25 50
Lizzie William	John McDonald	Gloster, Mass.	53	do	do	do	52 00	26 00
J. J. Burns	H. Hutchins	do	70	do	do	do	70 00	35 00
J. V. H. Raymond	Nicholas Murphy	do	49	do	do	do	49 00	24 50
Fitz G. Riggs	John E. Sanders	do	50	do	do	do	50 00	25 00
Flora Temple	Robert Cooper	North Haven, Me.	53	do	do	do	53 00	26 50
Ada A. Frye	W. H. Morse	Bristol, Me.	49	do	do	do	49 00	24 50
Henna	Alton Keen	Bremen, Me.	63	do	do	do	63 00	31 50
George F. Keen	J. B. W. Woodbury	Portland, Me.	49	do	do	do	49 00	24 50
City Point	John Fisher	do	53	do	do	do	53 00	26 50
John Pew	E. M. Stanley	Swan's Island, Me.	40	do	do	do	40 00	20 00
Daniel Webster	George Sherman	Gloster, Mass.	53	do	do	do	53 00	26 50
Flying Fish	B. J. Staples	Gloster, Mass.	42	do	do	do	42 00	21 00
Anna Freeman	John E. Thompson	do	57	do	do	do	57 00	28 50
James G. Tarr	M. Reid	Booth Bay, Me.	65	do	do	do	65 00	32 50
Istic F. Choate	B. J. Reeves	Gloster, Mass.	70	do	do	do	70 00	35 00
A. M. Nash	J. W. Collins	do	70	do	do	do	70 00	35 00
Mary E. Rich	C. C. Thompson	Provincetown, Mass.	61	do	do	do	61 00	30 50
	F. W. Cabb	do	68	do	do	do	68 00	34 00

## **AWARD OF THE FISHERY COMMISSION.**

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Trotz, 2009 Vassal ...

## PRINCE EDWARD ISLAND.

26 vessels .....	1, 489 16	Amount of license-fee.....		\$1 20	\$1, 786 92
RECAPITULATION.					
PROVINCES.	Vessels.	Tons.		Rate per ton.	Amount of license-fee.
Nova Scotia .....	960	13,928	Amount of license-fee.	\$1 00	\$13,928 00
Prince Edward Island .....	96	1,489 16	do .....	1 20	1,786 92
Total .....	985	15,417 16	Total amount of license-fee.....	.....	15,714 92

W. F. WHITCHER,  
*Commissioner of Fisheries.*

DEPARTMENT OF MARINE AND FISHERIES,  
Ottawa, December 31, 1876.

## AWARD OF THE FISHERY COMMISSION.

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*Statement of the fishing-licenses issued to American fishing-vessels during the year 1838, in the several provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of licensing-officer.*

## PROVINCE OF NOVA SCOTIA.

Name of vessel.	Owner.	Port.	Tons.	Where issued.	Name of officer.	Rate per ton.	Amount of license-fee.
Venella.....	James W. Eaton.....	Castine, Me.....	54	Port Mulgrave.....	V. J. Wallace.....	\$2 00	\$108 00
Fashion.....	J. Lewis.....	Glocester, Mass.....	44	do.....	do.....	2 00	88 00
Telegraph.....	Patrick Fanning.....	Glocester, Mass.....	67	do.....	do.....	2 00	134 00
H. Atwood.....	S. Foster.....	Waldeck, Mass.....	61	do.....	do.....	2 00	120 00
F. Dunbar.....	Joseph Dunbar.....	Glooucester, Mass.....	61	do.....	do.....	2 00	120 00
J. G. Tarr.....	Daniel Douglas.....	Newburyport, Mass.....	79	do.....	do.....	2 00	140 00
Chanticleer.....	George M. Arroy.....	Camden, Me.....	33	do.....	do.....	2 00	66 00
Maria Ann.....	B. F. Jewett.....	Walfleet, Mass.....	69	do.....	do.....	2 00	138 00
R. A. Kingsbury.....	William Malloch.....	Glooucester, Mass.....	53	do.....	do.....	2 00	110 00
Freedom.....	Moses M. Murray.....	Glocester, Mass.....	32	do.....	do.....	2 00	64 00
C. R. Jones.....	Henry Smith.....	Salem, Mass.....	47	do.....	do.....	2 00	94 00
Abigail Brown.....	James McNeil.....	Glocester, Mass.....	44	do.....	do.....	2 00	88 00
J. W. Alford.....	Adin Storey.....	Rockport, Mass.....	38	do.....	do.....	2 00	76 00
Hiram Power.....	James McKinnon.....	Glocester, Mass.....	42	do.....	do.....	2 00	84 00
Charger.....	William H. Thorne.....	do.....	51	do.....	do.....	2 00	108 00
Tidal Wave.....	S. D. Rice.....	Hingham, Mass.....	40	do.....	do.....	2 00	80 00
Grace Darling.....	J. L. Fernald.....	Camden, Me.....	45	do.....	do.....	2 00	90 00
Wm. V. Hutchins.....	John Parkhurst.....	Glocester, Mass.....	52	do.....	do.....	2 00	104 00
Indus (boat)	Z. Rich.....	Provincetown, Mass.....	24	do.....	do.....	2 00	48 00
Rio Grada.....	B. F. Rich.....	do.....	37	do.....	do.....	2 00	74 00
Lottie F. Robson.....	William Greenleaf.....	Glocester, Mass.....	53	do.....	do.....	2 00	106 00
Forest Queen.....	Albert Farr.....	do.....	51	do.....	do.....	2 00	108 00
M. L. Wetherell.....	S. Morrison.....	do.....	53	do.....	do.....	2 00	106 00
Lighthoot.....	James Wells.....	do.....	50	do.....	do.....	2 00	100 00
Equity.....	Thomas Kimball.....	do.....	16	do.....	do.....	2 00	32 00
Aicola.....	P. F. Torrey.....	do.....	40	do.....	do.....	2 00	80 00
Fanny.....	J. H. Gilmour.....	Hingham, Mass.....	45	do.....	do.....	2 00	90 00
Travone.....	E. Gott.....	Swan's Island, Me.....	43	do.....	do.....	2 00	84 00
John Few.....	H. Butchings.....	do.....	40	do.....	do.....	2 00	80 00
Effort (boat)	Charles Loveland.....	New London, Conn.....	9	do.....	do.....	2 00	18 00
Ranger.....	Alonzo Weston.....	Glocester, Mass.....	37	do.....	do.....	2 00	74 00
Vision.....	do.....	do.....	11	do.....	do.....	2 00	36 00
John Weedy.....	R. D. Cobb.....	Hingham, Mass.....	43	do.....	do.....	2 00	90 00
L. B. Snow.....	C. C. Pool.....	Rockport, Mass.....	45	do.....	do.....	2 00	72 00
Chalcedony.....	William Hampson.....	Truro, Mass.....	36	do.....	do.....	2 00	88 00
David A. Oster.....	William Davis.....	Glocester, Mass.....	43	do.....	do.....	2 00	52 00
Chapparell.....	Charles W. Oster.....	do.....	36	do.....	do.....	2 00	82 00
Laure Sayward.....	F. H. Steele.....	Saint George, Me.....	41	do.....	do.....	2 00	82 00
	Eph. Sayward & Co.....	Glocester, Mass.....	62	do.....	do.....	2 00	136 00
	H. W. Johnson.....	Halifax.....					

## AWARD OF THE FISHERY COMMISSION.

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1867, &c.—Continued.*

Name of vessel.	Owners.	Port.	Tons.	Mts.	Where Tanned.	Name of officer.	Rate per ton.	Amount of license-fee.
H. Ellsworth	do	Glooucester, Mass.	59	14	Halifax.....	H. W. Johnson.....	\$2.00	\$118.00
Harriet Samantha	David Low & Co.	do	58	17	do.....	do.....	1.00	118.00
Madam Roland	Philip Johnson	do	63	16	Port Hawkesbury.....	M. McDonald.....	3.00	192.00
A Hambray	George Steel	do	57	14	do.....	do.....	3.00	114.00
Madawaska Maid	William Brown	do	63	16	do.....	do.....	3.00	192.00
Franklin A.	David Melancon	do	65	17	do.....	do.....	3.00	195.00
Canada	George Steel	do	59	14	do.....	do.....	2.00	118.00
Samuel Gilbert	R. S. Smith	do	51	14	do.....	do.....	2.00	102.00
Electrowood	J. S. Smith	do	55	14	do.....	do.....	3.00	165.00
G. B. Lenore	T. Callier	Gloucester, Mass.	58	15	North Sydney.....	Thomas S. Brown.....	3.00	116.00
Bay State	W. Walsh	do	53	12	do.....	do.....	2.00	104.00
Total, 49 vessels			2,345		Amount of license-fee.....			4,690.00

## CANADA (PROVINCE OF QUEBEC).

Montrose	Enfir Seward	Gloucester, Mass.	11	Port of North Carlisle.	J. Fraser .....	2.00	34.00
Comet	Michael Felch	Newburyport, Mass.	22	do.....	do.....	2.00	44.00
Whisper	George N. Jeffs	do.....	32	do.....	do.....	2.00	64.00
Ann Maria	William Parsons & Co.	Gloucester, Mass.	18	do.....	do.....	2.00	36.00
Two Forty	Josh Frend	do.....	41	13	Gaspé Bay.....	2.00	82.00
Massena	George H. Davis	do.....	63	14	Seven Islands.....	2.00	126.00
Senator	John McInnis	Bucksport, Me.	59	17	Percy.....	2.00	118.00
Total, 7 vessels			263	do.....	Philip Vibert .....	2.00	34.00
					Amount of license-fee.....		524.00

## PRINCE EDWARD ISLAND.

5 vessels	Amount of license-fee.....	\$2.40	610.75

**RECAPITULATION.**

Provinces.	Vessels.	Tons.	Amount of license-fee.	Rate per ton.	Amount of license-fee.
Nova Scotia .....	49	\$ 345 362 234-14	Amount of license-fee .....	\$2 00 9 00 3 40	\$4 690 00 594 00 610 75
Quebec .....	7	.....	do .....	.....	.....
Prince Edward Island .....	5	.....	do .....	.....	.....
Total .....	61	\$ 361-14	A mount of license-fee .....	.....	5,894 75

**AWARD OF THE FISHERY COMMISSION.**

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*Statement of the fishing-licenses issued to American fishing-vessels during the year 1869, in the several Provinces forming the Dominion of Canada, with the names of owners, tonnage, port, amount of license-fee, and name of issuing-officer.*

**PROVINCE OF NOVA SCOTIA.**

Name of vessel.	Owners.	Port.	Tons.	Men.	Where issued.	Name of officer.	Rate per ton.	Amount of license-fee.
Effort .....	Tobias Nash .....	Wiscasset, Mass .....	19	5	Barrington .....	D. Sargent .....	\$2 00	\$8 00
Madame Roland .....	George Steel .....	Glooucester, Mass .....	63	16	Hawkesbury .....	M. McDonald .....	2 00	124 00
Aphrodite .....	D. McDonald .....	do .....	16	do	do .....	do .....	116 00	146 00
Emma Linwood .....	E. W. Norranderthal .....	Piordidence, R. I. ....	53	15	do .....	do .....	3 00	83 00
Sarah P. Davies .....	J. M. Thurlow .....	Glooucester, Mass. ....	73	15	Port Mulgrave .....	V. J. Wallace .....	3 00	44 00
Comet .....	Nicholas Peich .....	Newburyport, Mass. ....	41	13	do .....	do .....	2 00	24 00
Ranger .....	Alexander Weston .....	Camden, Me. ....	22	10	do .....	do .....	2 00	44 00
Abby Morse .....	E. J. Hopkins .....	Vinal Haven .....	37	11	do .....	do .....	2 00	52 00
Charger .....	W. H. Thurston .....	Glooucester, Mass. ....	26	6	do .....	do .....	2 00	108 00
Mary Lizzie .....	E. B. Jewett .....	Westport, Me. ....	53	15	do .....	do .....	2 00	64 00
Morning Star .....	George D. Moore .....	Castine, Me. ....	32	10	do .....	do .....	2 00	64 00
Dacotah .....	H. Williams .....	Glooucester, Mass. ....	42	12	do .....	do .....	2 00	102 00
Bellview .....	Jno. R. Dellow .....	Portland, Me. ....	51	13	do .....	do .....	2 00	30 00
John Chase .....	W. H. Gould .....	Camden, Me. ....	15	3	do .....	do .....	2 00	64 00
Dauber .....	Isaac Fisher .....	Glooucester, Mass. ....	32	9	do .....	do .....	2 00	88 00
Pathinder .....	B. Rogers .....	Eastport, Me. ....	44	10	do .....	do .....	2 00	78 00
Total, 16 vessels .....	.....	.....	646	10	.....	.....	2 00	1,282 00

*Statement of the fishing-licenses issued to American fishing-vessels during the year 1869, &c.—Continued.*

PROVINCE OF NEW BRUNSWICK.

Name of vessel	Owners	Port	Total ton age	Where issued.	Name of officer.	Rate per ton	Amount of license-fee.
Balt.....	Edwin Greenlaw .....	Eastport, Me.	4	West Indies.....	J. R. Dixon .....	\$2 00	\$8 00
Balt.....	do.....	do.....	5	do.....	do.....	2 00	10 00
Total, 2 vessels .....	.....	.....	9	Amount of license-fee .....	.....	2 00	18 00

PROVINCE OF QUEBEC.

F. J. Winsor Bros .....	Gloster, Mass.....	16	New Carlisle .....	Jno. Fraser .....	2 00	126 00
G. W. Knight & Co .....	Camden, Me.....	45	do .....	do .....	2 00	90 00
Nath. Thurston .....	Gloucester, Mass.....	46	do .....	do .....	2 00	92 00
William Wharf .....	do .....	54	do .....	do .....	2 00	108 00
And. Bol & Co .....	Newburyport, Mass.....	70	do .....	do .....	2 00	140 00
G. I. Keene & Co .....	Brennan, Mass.....	66	do .....	do .....	2 00	132 00
John Kennedy .....	do .....	53	do .....	do .....	2 00	106 00
Total, 7 vessels .....	.....	387	Amount of license-fee .....	.....	2 00	794 00

PRINCE EDWARD ISLAND.

6 vessels .....	214 16	Amount of license-fee .....	\$2 40	\$113 85
.....	.....	.....	.....	.....

## RECAPITULATION.

Provinces.	Vessels.	Tons.		Rate per ton.	Amount of license-fee.
Nova Scotia .....	16	646	Amount of license-fee .....	\$2 00	\$1,392 00
9	9		do .....	2 00	18 00
New Brunswick .....	7	367	do .....	2 00	794 00
7	7		do .....	2 40	513 65
Quebec .....	6	914 18	do .....		
Prince Edward Island .....			Total .....		
	31	1,986 18	Amount of license-fee .....		
					\$1,617 65

W. F. WHITCHER,  
Commissioner of Fisheries.

DEPARTMENT OF MARINE AND FISHERIES,  
OTTAWA, December 31, 1876.

*Recapitulation of the fishing licences issued to American vessels during the years of 1866, 1867, 1868, and 1869, in the several provinces forming the Dominion of Canada, with the tonnage and amount of license-fee.*

	Number of vessels.	Tonnage.	Amount of license fee.
1866.			
Nova Scotia.....	354	12,779	\$9,389 50
New Brunswick.....	1	96	13 00
Quebec.....	10	592	296 00
Prince Edward Island.....	89	5,565 <sub>150</sub>	3,339 35
	454	24,962 <sub>150</sub>	13,037 85
1867.			
Nova Scotia.....	969	13,938	13,938 00
New Brunswick.....			
Quebec.....			
Prince Edward Island.....	96	1,489 <sub>150</sub>	1,786 92 <sub>14</sub>
	955	15,417 <sub>150</sub>	15,714 92 <sub>14</sub>
1868.			
Nova Scotia.....	49	2,345	4,690 00
New Brunswick.....			
Quebec.....	7	262	594 00
Prince Edward Island.....	5	234 <sub>150</sub>	616 75
	61	2,861 <sub>150</sub>	5,894 75
1869.			
Nova Scotia.....	16	646	1,999 00
New Brunswick.....	2	9	18 00
Quebec.....	7	397	794 00
Prince Edward Island.....	6	914 <sub>150</sub>	513 85 <sub>14</sub>
	31	1,966 <sub>150</sub>	2,617 85 <sub>14</sub>

*Licenses issued 1866, 1867, 1868, and 1869.*

Nova Scotia.....	688	35,698	\$9,299 50
New Brunswick.....	3	35	31 00
Quebec.....	94	1,251	1,614 00
Prince Edward Island.....	196	7,523 <sub>150</sub>	6,250 87
Total.....	841	44,507 <sub>150</sub>	37,185 37

W. F. WHITCHER,  
*Commissioner of Fisheries.*

DEPARTMENT OF MARINE AND FISHERIES,  
Ottawa, December 31, 1876.

VI.

*Extract from annual report of Pierre Fortin, esq., in command of La Canadienne, during the season of 1865 (p 51).*

The most reliable reports give not less than from 1,200 to 1,500 schooners as the number of vessels belonging to the United States, employed in the mackerel fishery in the Gulf, and the produce is estimated to exceed 300,000 barrels of fish, worth 2,000,000 of dollars. From 200 to 300 of these schooners resort to our fishery-grounds, either off the Magdalen Islands or on the coast of Gaspé, and I believe that the annual take of mackerel by those vessels is from 15,000 to 30,000 barrels. The town of Gloucester, in the State of Massachusetts, alone sends out 500 or 600 schooners to this fishery, and they are the finest vessels of the class which can be found anywhere.

## VII.

*Extract from a report from Col. R. D. Cutts to the Hon. W. H. Seward, dated Washington, January 7, 1869. (See pages 32 and 33 of Senate Ex. Doc. No. 34, Forty second Congress, second session.)*

For more than a century after the establishment of the American Colonies large numbers of whales continued to frequent the seas adjoining the northern coasts. The whale-fishery was commenced by New England in 1690, and for fifty years afterwards was prosecuted by boats from the shore. Vessels were then built and equipped for the more distant whaling-grounds, and in 1778 Massachusetts is reported to have had 304 vessels, with an aggregate tonnage of 28,000 tons, engaged in the pursuit. At that period Nantucket, Martha's Vineyard, and Cape Cod monopolized the business. In 1783 New Bedford entered the arena, and, soon taking the lead, advanced far ahead of her home competitors, and for the last thirty years her whalers, scattered on every sea, have been more numerous and more daring than those of all other nations combined. During the war declared against Great Britain, in 1812, the whale-fishery was gradually suspended. In 1817 it was recommenced with a tonnage of 5,000 tons, and increased gradually until 1846, and then, after considerable fluctuations, reached the height of its prosperity in 1858, when the registered tonnage employed was officially reported at 198,593, equal to that of the entire commercial marine of either Russia or Denmark. Between 1858 and the breaking out of the rebellion the tonnage had very sensibly decreased, owing to the lessening demand for oil for lighting purposes; and during the existence of the rebellion the decline was accelerated, the number of tons employed having fallen from 145,734 in 1861, to 84,233 in 1865, or to about the same tonnage which was similarly engaged thirty-five years previously. Since 1865 the tonnage has slightly increased.

The falling off in the whaling business is due, in a great measure, to the more general introduction of gas, and especially to the discovery of petroleum. During the year ending June 30, 1867, nearly 70,000,000 gallons of refined and crude petroleum, valued at \$24,000,000 currency, were exported from the United States, and divided more generally among the nations of the earth than any single article which is the subject of commerce. In addition to the decline, from these causes, in the demand for train and spermaceti oil, the whaling interests have suffered, on account of the rebellion, from the expenses of outfit, which have trebled, from the increase in the pay and cost of subsistence of officers and men, and in the rate of insurance from 4 to 7 per cent. Formerly vessels ranging in capacity from 300 to 400 tons could be readily obtained from the merchant-service after they had been engaged three or four years in the carrying trade, and these, when strengthened and recoppered, made the best of whalers. No such class of vessels it is said can now be purchased, the tonnage of merchantmen being greater than that required for the fisheries, and the building of new vessels is enormously expensive for a mere adventure. During the rebellion from twenty-five to thirty whale ships were purchased by the government for the stone blockade of Southern ports, and in one week, between the 22d and 29th of June, 1865, twenty-one of the Arctic whalers of the best class were burned by Waddel in the rebel steamship Shenandoah in the Gulf of Anadyr and on the Asiatic side of the entrance to Behring Strait, besides those which he had previously burned in April at the Island of Ascension and elsewhere in the Pacific. It may be also added that the

whales, having been hotly pursued by nearly 600 whalers during each of the fifteen years preceding 1860, had become, and still continued to be, wild, restless and suspicious; larger numbers of them seeking a refuge in the Polar Basin. From this last cause the time required to "fill up" has been greatly increased. A relaxation in the chase or decrease in the number of those in pursuit will bring the whales back to more accessible seas and make them less suspicious at the sound of the oar.

### VIII.

*Extract of report of Mr. William Smith, controller of customs and navigation laws at Saint John, New Brunswick, dated 24th September, 1866 (p. 13).*

A practical person of this city informs me that he, along with a partner, built a new vessel last year expressly for the mackerel fishery in the Gulf of St. Lawrence and the Bay of Chaleur. The vessel was 71 tons register, and cost, ready for sea, \$4,800. During last season, when she was employed in this trade, she took nearly 600 barrels of mackerel, which realized in Halifax and Boston \$6,000; after deducting all the expenses of the season, amounting to \$4,800, she left to the owners a net profit of \$1,200, or 25 per cent. on the investment. He states the average catch of American fishermen, for the season, to be about 10 barrels of mackerel to the ton, and as the license-fee is 50 cents per ton, it subjects the American fishermen, if they take out a license, to a tax of about 5 cents per barrel on their fish; but our fishermen are subjected to a duty of \$2 per barrel on taking their mackerel into ports in the United States, giving an advantage to American fishermen over our own people of \$1.95 per barrel, which precludes our people from competing with the Americans in the mackerel fishery, as the States is the chief market for this description of fish.

### IX.

*Extract from a report on the sea and river fisheries of New Brunswick, by M. H. Perley, esq., Her Majesty's emigration officer at St. John, New Brunswick (printed in 1852).*

Page 28-9.—It was stated that early in July there were from twenty to thirty sail of American vessels fishing in Miramichi Bay, at the distance of five to ten miles from Portage Island, and that they all obtained full fares of No. 3 mackerel. One of these schooners entered the Miramichi River, and went up as far as Oak Point, trading with the settlers for salmon. The master of this vessel exchanged two barrels of superfine flour for each barrel of salmon, but he neither entered nor paid duties on what he landed. He took the dimensions of the various nets in use, and told the fishermen he would furnish them next year with similar nets at half the prices they had been accustomed to pay. These American fishing vessels have, during the last three years, traded at Fox Island, on the south side of Miramichi Bay.

Page 33.—The harbor of little Shippagan is an exceedingly good one, and well sheltered; it is much resorted to by American fishing-vessels during heavy easterly storms, and as many as ninety sail of these vessels have been observed in this harbor at one time.

Page 44.—Six or seven American schooners had been cruising off Grande Ance the earlier part of the season, mackerel fishing; they had

all taken full fares and left the coast. They frequently came in close to the shore. While they were using their peculiar mode of fishing, the cod-fishers could not procure any mackerel for bait, and their fishing suffered in consequence, there being no clams here.

*Pages 49, 50.*—Several American vessels were off this place during the season, and obtained full fares of mackerel ; they injured the cod fishing materially by depriving the fishers of their bait.

*Page 52.*—At one time during the past summer there were five American schooners at anchor, about a mile from Messrs. Robins's establishment. They fished at the distance of three miles from the point of the beach for mackerel, and obtained full fares ; some of the vessels had 900 barrels ; while they were fishing they destroyed the shore fishery for cod, as the fishers could not catch a sufficiency of mackerel for bait.

*Page 56.*—A fisherman from Prince Edward Island, named Wolff, was met at Richibucto ; he had been out fishing for five weeks in a small schooner, having on board two men and a boy. They had fished in 8 to 30 fathoms of water, and had caught thirty quintals of eod ; the fish average one hundred to the quintal. Mr. Creelman, of Richibucto, who had been out fishing with Wolff, said that on one occasion they had taken two hundred fish in two hours about 20 miles from Richibucto. During the first week in September last they boarded three American vessels off the west cape of Prince Edward Island. One vessel had then 450 barrels of mackerel, chiefly No. 2, and was on her second trip ; the other two vessels had 300 barrels each ; one schooner was from Newburyport, having on board four men and four boys ; in one day they took 65 barrels of mackerel. The skipper of this vessel said he had fished for mackerel on the same ground in 1848, and his share of the profits that year was \$500.

## X.

*Return of United States mackerel-fishing vessels and their catch in 1873, as reckoned at Port Mulgrave, Nova Scotia, by the collector of customs at that port.*

Date.	Name.	Place.	First trip.	Second trip.	Total.
1873.			Bbls.	Bbls.	Bbls.
June 11	James G. Tarr.	Gloucester	405	405	405
12	Rattler	do	400	300	700
	Waldron Holmes	Provincetown	900	100	300
13	Idelia Small	Deer Isle	320	200	520
	General Grant	Gloucester	380	230	600
	Ida C. Baker	do	265	200	465
	Col. Cook	do	380	330	700
	S. A. Parkhurst	Salem	445	265	650
	Anner Lewis	Deer Isle	250	150	400
	Electric Flash	Gloucester	463	Lost.	463
	Witch Craft	do	295	125	350
	Geo. B. Lering	do	250	300	450
	Cadet	do	300	250	550
	Dawning Day	do	315	200	515
	Charles A. Roper	Salem	230	200	530
	Mary Frances	Deer Isle	230	200	430
	Merrimac	Wellfleet	240	170	410
	Nellie M. Snow	do	300	145	445
	Sarah E. Smith	do	210	70	280
17	Carrie Franck	Gloucester	344	300	734
	M. E. Torry	Sedgwick	314	250	564
	Lant	Gloucester	360	200	460
	Ocean Lodge	do	200	180	380
18	Garibaldi	do	200	150	350
19	H. W. Pierce	Wellfleet	330	.....	350
	Carrie P. Rich	Provincetown	324	Lost.	384
	Hattie E. West	Gloucester	300	275	575
	Highflier	do	225	Lost.	225
	Hiram Powers	do	260	230	490
	White Wing	Boston	330	270	600
	Yankee Maid	Camden	250	.....	250
	Fannie L. Noye	Hingham	300	140	440
	Pocahontus	Gloucester	180	270	450
	Crystal Wave	Beverly	167	135	302
	Carrie G. Crosby	Boston	300	.....	300
	Chameleon	do	125	200	325
	Albie M. Heath	Gloucester	245	325	570
	Mary Ellen	do	240	300	440
	E. A. Lombard	Truro	310	140	450
	John Sornes	Wellfleet	260	110	370
	John Noye	Hingham	280	190	400
	Gertrude Summers	do	210	90	300
	Edward H. Norton	Provincetown	320	.....	320
	Ettie E. Sylvester	Boston	320	200	430
	Mary Snow	Wellfleet	310	100	310
	Lizzie W. Hannum	do	280	125	405
	G. M. Hopkins	do	270	.....	270
	Maria Webster	Cohasset	230	Lost.	230
	Alpha	do	270	140	410
	J. A. Smith	Boston	240	Lost.	240
	Emma F. Prindle	Provincetown	270	130	400
	Tidal Wave	Gloucester	160	Lost.	160
21	D. H. Mansfield	Salem	200	180	380
	Rosanna	Gloucester	930	Lost.	930
	Typhoon	Cohasset	180	150	330
	Golden Horn	Bremen	250	150	400
22	J. H. Kennedy	Salem	230	290	580
	Right Bower	Gloucester	310	220	530
	Harvest Home	Cohasset	100	150	250
	Harriet Torrey	Gloucester	230	Lost.	230
	Catalina	do	130	120	250
	Larmatine	Boston	330	250	580
	Helen M. Crosby	Swan's Island	975	.....	975
	John Pew	Gloucester	200	50	250
	Evangeline	Boston	150	140	290
	Sarah B. Harris	Gloucester	250	220	470
	Addie M. Story	do	410	200	610
	Massasoit	Truro	900	160	360
	B. H. Carliss	Bremen	250	Lost.	250
	Arden Keene	Gloucester	210	260	470
	Tiber	Booth Bay	380	80	460
	Cynosure	Gloucester	330	270	600
	Pathfinder	Cohasset	150	90	240
	Wemonash	Gloucester	.....	.....	.....
	Joa. Hooker	.....	.....	.....	.....

*Return of United States mackerel-fishing vessels, &c.—Continued.*

Date.	Name.	Place.	First trip.		Total.
			Bbls.	Bbls.	
1873 June 26	Vision	Hingham	190	90	280
	Camilla	Cohasset	135	175	300
	Forest Queen	Glooucester	325	900	525
	Pioneer	do	310	330	660
	Emma Brown	Deer Isle	340	.....	340
	Far West	Glooucester	200	.....	200
	Queen of the Cape	Boston	150	130	280
	Collector	Deer Isle	280	160	440
28	Ida R. Freeman	Wellfleet	350	250	600
	Fred P. Frye	Boston	320	280	600
	McLeod	Cohasset	.....	.....	250
	Witch of the Wave	Boston	290	.....	290
	Golden Eagle	Deer Isle	340	.....	340
29	Wild Fire	Glooucester	.....	.....	625
	Gettisburg	do	340	360	700
	Ellen Frances	do	250	200	450
	Exchange	Hingham	.....	.....	250
	David J. Adams	Salem	340	250	590
	Col. Ellsworth	Glooucester	400	900	600
	Tyro	Newburyport	103	78	175
	Ernest F. Norwood	Glooucester	365	400	765
	Lizzie Williams	Camden	.....	.....	970
	P. L. Whiton	Hingham	.....	.....	220
	Lydia A. Harvey	Glooucester	180	250	430
	Josephine Swanton	Booth Bay	250	200	450
	Edward Everett	Glooucester	325	280	605
	Mary E. Wharf	Wellfleet	.....	.....	330
	E. C. Smith	do	220	.....	220
	Wm. H. Thurston	Glooucester	250	150	400
	Golden Rule	Swan's Island	250	.....	250
	Geo. S. Boutwell	Glooucester	330	410	740
4	Governor	Deer Isle	.....	.....	225
	Freedom	Glooucester	195	175	370
	Gleaner	do	275	225	500
	Clytie	do	335	225	560
	Otis D. Dana	do	300	300	600
	Aaron Perkins	Salem	280	250	450
	Fleetwood	North Haven	280	160	380
8	Nevada	Glooucester	300	270	570
	J. O. Friend, jun.	do	300	275	575
	Joseph O.	do	300	220	520
	Alice M. Gould	Portland	300	225	525
	Constitution	Glooucester	110	90	200
	Peerless	do	.....	.....	300
14	Wyoming	do	270	350	620
	Hattie S. Clark	do	320	180	500
	Sarah C. Wharf	do	250	230	480
	Snow Squall	Deer Isle	.....	.....	220
	Kate McClintock	Booth Bay	245	.....	225
	Tiger	Portland	100	60	160
	Robert Emmitt	Glooucester	.....	.....	270
	Nevada	North Haven	280	150	370
	James Pool	Booth Bay	250	.....	250
	Lookout	Glooucester	220	160	380
	Diploma	Booth Bay	250	.....	250
	Lancet	Glooucester	.....	.....	440
	Merrimac	Wellfleet	.....	.....	250
	Rushlight	Glooucester	.....	.....	220
	Wm. H. Raymond	do	250	200	450
	Etta Golt	do	240	200	440
	Samuel Crowell	do	270	.....	270
	D. E. Woodbury	do	300	170	470
	Phoenix	do	270	220	490
	Carleton	do	250	220	470
	West Point	do	220	.....	220
	Edmund Burke	Newburyport	250	.....	250
	Juliett	do	180	.....	180
	Finance	Glooucester	250	220	470
	E. L. Howe	do	360	150	410
	Little Kate	do	140	60	200
	Oliver Eldridge	do	250	.....	250
	Angie & Friend	do	250	.....	250
	Star of the East	do	275	225	500
	Abbie Dodge	do	250	175	425
	W. E. Terry	do	310	200	510
	Alice	Salem	260	220	480
	Sarah E. Babson	Newburyport	180	140	380
	Lottie E. Cook	do	320	180	500
	A. J. Franklin	Glooucester	240	160	400
	Sea Spray	Newburyport	170	120	290

## AWARD OF THE FISHERY COMMISSION.

Return of United States mackerel-fishing vessels, &amp;c.—Continued.

Date.	Name.	Place.	First trip. Bbls.	Second trip. Bbls.	Total. Bbls.
1873.					
July 14	M. J. Elliott.....	Wellfleet .....	250	250	500
	Harry Bluff.....	Salem.....	250	250	510
	Belle of the Bay.....	Gloucester.....	210	140	350
	Belle Gilmore.....	Gloucester.....	300	.....	300
	Cone Greenwood.....	Portland.....	160	200	360
18	Corporal Trim.....	Orleans.....	175	.....	175
	Howard Steele.....	Gloucester.....	270	220	490
	Alferata.....	..... do .....	200	.....	200
	George P. Rust.....	..... do .....	250	150	400
	George F. Kane.....	Bremen.....	230	150	410
	Matilda.....	Newburyport.....	120	60	180
	Charger.....	Gloucester.....	220	150	370
	Annie C. Norwood.....	..... do .....	220	.....	220
	Royal Arch.....	..... do .....	300	.....	Lost.
	Arizona.....	Booth Bay.....	250	.....	250
	Alvalfa.....	Gloucester.....	250	.....	250
	Oasis.....	North Haven.....	230	150	380
	Good Templar.....	Gloucester.....	225	75	300
	J. J. Clarke.....	..... do .....	260	240	500
	Wm. Fisher.....	Portland.....	250	220	470
	Elijah Burritt.....	Gloucester.....	180	160	340
	George W. Brown.....	Newburyport.....	220	160	380
	Sarah Ellwell.....	Gloucester.....	150	.....	150
	Rebecca S. Warren.....	Deer Isle.....	250	.....	Lost.
	Charles H. Hildreth.....	Gloucester.....	300	250	550
	Madawaska Maid.....	..... do .....	275	250	525
	Laura A. Dodd.....	..... do .....	560	.....	560
	J. F. Allan.....	..... do .....	220	170	450
	Eliza Jane.....	..... do .....	220	180	400
	Eunice Rich.....	Boston.....	450	.....	450
	Game Cook.....	Hingham.....	200	180	380
	Centurion.....	Gloucester.....	200	.....	200
	Joseph Chandler.....	..... do .....	260	90	350
	Onward.....	..... do .....	.....	.....	920
	Eliza K. Parker.....	..... do .....	.....	.....	275
	Fanny E.....	Deer Isle.....	.....	.....	310
	A. H. Whittemore.....	Gloucester.....	.....	.....	275
	Janet Middleton.....	Bremen.....	.....	.....	Lost.
	Annie Harris.....	Gloucester.....	280	160	440
	H. B. Stanwood.....	Booth Bay.....	.....	.....	Lost.
	Sammie S. McKeown.....	Gloucester.....	300	160	460
	Elijah Crowell.....	Southport.....	.....	.....	300
	Vanguard.....	Gloucester.....	.....	.....	80
	Plough Boy.....	..... do .....	.....	.....	200
	Abigail.....	Portland.....	.....	.....	230
	James G. Craig.....	Gloucester.....	.....	.....	260
	Seddie C. Pyle.....	Southport.....	.....	.....	1-0
	Humbolt.....	Boston.....	.....	.....	270
	W. D. Dalesay.....	Gloucester.....	.....	.....	240
	Alice M. Lewis.....	..... do .....	.....	.....	180
	George S. Low.....	..... do .....	.....	.....	220
	Laurina.....	..... do .....	.....	.....	220
	Georgiana.....	..... do .....	.....	.....	130
	Easer.....	..... do .....	.....	.....	900
	Charles H. Price.....	Salem.....	.....	.....	180
	Annie Linwood.....	Gloucester.....	.....	.....	250
	Andrew W. Dodd.....	..... do .....	.....	.....	80
	Challenge.....	..... do .....	.....	.....	120
	Mary Burnham.....	..... do .....	.....	.....	230
	Delia Hartwell.....	..... do .....	.....	.....	175
	Florence Reed.....	..... do .....	.....	.....	220
	Hattie E. Smith.....	Newburyport.....	.....	.....	275
	C. C. Pettingall.....	Salem.....	.....	.....	260
	Romeo.....	Newburyport.....	150	.....	150
	Frank Skilling.....	Portland.....	250	.....	250
	Abbie Morse.....	Vinalhaven.....	200	.....	220
	Rebecca J. Evans.....	Newburyport.....	300	.....	300
	Lillian M. Warren.....	Deer Isle.....	260	.....	260
	Beauty.....	Portland.....	100	.....	100
	Mary E. Daniels.....	Gloucester.....	275	250	525
	J. W. Talbot.....	Portland.....	130	.....	130
	George B. McLellan.....	Bremen.....	300	.....	300
	Emma L. Rich.....	Wellfleet .....	250	.....	250
	R. R. Higgins.....	Boston.....	130	.....	130
	Martha T. Pike.....	Newburyport.....	.....	.....	Lost.
	Crown Point.....	..... do .....	.....	.....	Lost.
	David Burnham.....	Gloucester.....	.....	.....	330
	Willie Smith.....	Portland.....	.....	.....	550
	Charles C. Dame.....	Gloucester.....	.....	.....	190

\* Lost spars.

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## AWARD OF THE FISHERY COMMISSION.

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*Return of United States mackerel-fishing vessels, &c.—Continued.*

Date.	Name.	Place.	First trip.	Second trip.	Total.
1873 July 18	Express	Gloucester	Bbls.	Bbls.	Bbls.
	Highland Chief	Boston			925
	Enola C	Gloucester	275	220	495
	Tally Ho	do		Lost	
	Setagana	do	260		260
	Laura T. Chester	Truro		Lost	
	Grace Darling	Camden	170		170
	General Grant	Southport	125	Lost	125
	Ceylon	Camden		Lost	
	E. R. Nickerson	Gloucester	230		230
	Helen M. Woodman	Provincetown		Lost	
	Sophronia	Gloucester	270		270
	J. F. Huntress	do	300	150	450
	Rambler	do			360
	D. B. Webb	Deer Isle			320
	American Eagle	Gloucester	250		250
	C. C. Warren	do			290
	Schuyler Colfax	do			250
	B. H. Smith	do			220
	William A. Pen	do			230
Total.					88,012

NOTE.—234 American mackerel-catchers, average per vessel, 348 barrels; 20 Nova Scotia vessels, 4,000 barrels, average per vessel, 200 barrels. Gloucester has 460 fishing vessels. Average each year, 150,000 barrels, for 1864-'65.

Memorandum of price per barrel: Halifax, \$10; Boston, \$16; average, \$13. Total value, 88,012 barrels, at \$13, \$1,144,156.

*Return of United States mackerel-fishing vessels and their catch, in 1874, as reckoned at Port Mulgrave, Nova Scotia, by the collector of customs at that port.*

Date.	Name.	From what port.	Number of trips.	Home or landed.	Date.	Number of barrels.
1874. June 6	Game Cock	Hingham, Mass.	1st.	Landed	1874. July 19	50
July 24	do	do	2d			140
Aug. 14	do	do	3d			50
June 6	Pocahontas	Gloucester, Mass.	1st.	Refitted	July 6	None.
Aug. 20	do	do	2d			160
Oct. 17	do	do	3d			60
July 7	Greyhound	do	1st.	Landed	Aug. 11	250
Sept. 14	do	do	2d			220
June 9	Lant	do	1st.	Landed	Aug. 13	205
Sept. 10	do	do	2d			190
Oct. 20	do	do	3d			80
June —	A. Paine	Provincetown, Mass.	1st.	Landed	July 16	200
Sept. 10	do	do	2d			140
June 10	Cadet	Gloucester, Mass.	1st.	Landed	Aug. 6	250
Sept. 29	do	do	2d			100
Oct. 23	do	do	3d			60
June 12	Victor	do	1st.	Home	Aug. 19	312
Oct. 23	do	do	2d			250
June 14	Col. Cook	do	1st.	Landed	Sept. 1	360
Oct. 20	do	do	2d			200
June 14	Mary Eiken	do	1st.	Landed	Aug. 13	250
Oct. 19	do	do	2d			200
June 14	Electric Flash	do	1st.	Landed	Aug. 22	420
Oct. 19	do	do	2d			270
June 14	George O. Hovey	do	1st.	Landed	Aug. 22	260
Oct. 20	do	do	2d			190
June 14	Ida E. Barker	do	1st.	Home	Aug. 11	315
Oct. 20	do	do	2d			250
June 15	Alice Cory	Baltimore, Mass.	1st.	Refitted	July 24	65
Aug. 22	do	do	2d			145
June 15	Carl Schurz	Gloucester, Mass.	1st.	Home	Aug. 14	420
Oct. 23	do	do	2d			260
June 15	Dawning Day	do	1st.	Landed	Aug. 12	200

## AWARD OF THE FISHERY COMMISSION.

*Return of United States mackerel-fishing vessels, &c.—Continued.*

Date.	Name.	From what port.	Number of trips	Home or landed	Date.	Number of barrels.
1874.						
Sept. 10	Dawning Day	Gloucester, Mass.	2d		1874.	
Oct. 25	do	do	3d			80
June 16	S. A. Parkhurst	Salem, Mass.	1st	Landed	Aug. 26	120
Oct. 12	do	do	2d			240
June 18	Otis D. Dana	Gloucester, Mass.	1st	Landed	Aug. 13	200
Oct. 20	do	do	2d			307
June 18	Christie Campbell	do	1st	Home	Aug. 12	280
Oct. 20	do	do	2d			200
June 18	Ida May	do	1st	Home	Aug. 18	215
Oct. 18	do	do	2d			175
June 23	Addie M. Story	do	1st	Landed	Aug. 19	312
Oct. 18	do	do	2d			160
June 23	Arequipa	do	1st	Landed	Aug. 19	220
Aug. 23	do	do	2d	Refitted	Aug. 4	100
Oct. 15	do	do	3d			200
June 23	T. L. Mayo	do	1st	Home	Aug. 19	330
Oct. 16	do	do	2d			230
June 24	Clytie	do	1st	Home	Aug. 19	Sept. 3
Sept. 30	do	do	2d	Refitted		200
Oct. 21	do	do	3d	Landed		150
June 24	Charles A. Ropes	Salem, Mass.	1st	Landed	Aug. 23	200
Oct. 19	do	do	2d			170
June 24	Schuylerville Colfax	Gloucester, Mass.	1st	Landed	Sept. 11	200
Oct. 19	do	do	2d			150
June 24	E. L. Rowe	do	1st	Home	Aug. 19	300
Oct. 15	do	do	2d			200
June 24	Finance	do	1st	Home	Aug. 15	275
Oct. 12	do	do	2d			200
June 24	Wm. A. Pew	do	1st	Home	Aug. 14	303
Oct. 15	do	do	2d			250
June 24	Carrie E. Sayward	do	1st	Home	Aug. 19	215
Oct. 20	do	do	2d			185
June 25	M. E. Torrey	Sedgwick, Maine	1st	Home	Aug. 6	300
Oct. 20	do	do	2d			230
June 25	Alfredetta	Gloucester, Mass.	1st	Landed	Sept. 1	230
Oct. 20	do	do	2d			170
June 25	Eldorado	Boston, Mass.	1st	Landed	Aug. 27	280
Oct. 18	do	do	2d			200
June 25	Mary Louise	Gloucester, Mass.	1st	Home	Aug. 19	300
Oct. 15	do	do	2d			215
June 25	Webster	Cape Porpoise, Me.	1st	Landed	Aug. 24	175
Oct. 10	do	do	2d			125
June 26	Sea Spray	Newburyport, Mass.	1st	Landed	July 30	320
Aug. 25	do	do	2d			100
Oct. 5	do	do	3d			150
June 26	Eliza Burritt	Gloucester, Mass.	1st	Home	Aug. 13	230
Oct. 10	do	do	2d			170
June 26	Hiram Powers	do	1st	Landed	Aug. 12	290
Sept. 14	do	do	2d			100
Oct. 10	do	do	3d			200
June 26	Winfield Scott	Truro, Mass.	1st	Landed	Aug. 17	170
Sept. 12	do	do	2d			150
June 26	Annie Lewis	Deer Isle, Me.	1st	Landed	Aug. 22	260
Oct. 9	do	do	2d			104
June 26	Janice Bliss	Gloucester, Mass.	1st	Home	Aug. 27	290
Oct. 10	do	do	2d			230
June 26	Mary J. Elliot	Booth Bay, Me.	1st	Landed	Aug. 8	205
Aug. 20	do	do	2d			130
June 26	Market Boat, J. Story, jun.	Gloucester, Mass.	1st	Landed	Aug. 18	85
Sept. 5	do	do	2d			40
June 27	Joseph O'	do	1st	Home	Aug. 13	275
Oct. 15	do	do	2d			185
June 28	Cynnaure	Booth Bay, Me.	1st	Home	Seining	400
28	W. E. Terry	Gloucester, Mass.	1st	Home	Aug. 27	330
Oct. 20	do	do	2d	Landed	Aug. 27	330
June 28	Oliver Eldridge	do	1st	Home	Aug. 22	340
Oct. 20	do	do	2d			250
June 28	Freedom	do	1st	Landed	Aug. 23	220
Oct. 20	do	do	2d			190
June 29	Enola C.	do	1st	Landed	Aug. 30	200
Oct. 20	do	do	2d			230
June 30	Barward	do	1st	Landed	Aug. 14	210
Sept. 10	do	do	2d			50
July 1	Clara B. Warren	do	1st	Landed	Aug. 27	280
Oct. 5	do	do	2d			190

## AWARD OF THE FISHERY COMMISSION.

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Return of United States mackerel-fishing vessels, &amp;c.—Continued.

Date.	Name.	From what port.	Number of trips.	Home or landed.	Date.	Number of barrels.
1874.						
July 1	Harriet Torrey	Gloucester, Mass.	1st	Landed	1874.	
Oct. 21	do	do	2d		Aug. 21	315
July 3	Margaret	do	1st	Home	Aug. 21	225
3	Winged Arrow	do	1st	Home	Aug. 21	260
Oct. 20	do	do	2d			170
July 4	General Scott	Provincetown, Mass.	1st	Landed	Aug. 12	270
Sept. 28	do	do	2d			140
July 4	Epee Tarr	Gloucester, Mass.	1st	Landed	Sept. 1	360
Oct. 23	do	do	2d			260
July 4	Abby Dodge	do	1st	Home	Aug. 16	250
Sept. 23	do	do	2d			230
Oct. 19	do	do	3d			50
July 6	H. B. Stanwood	do	1st	Home	Aug. 17	320
Oct. 22	do	do	2d			270
Lost.	Carrie Francis	do	1st	Lost		320
July 7	Northerner	do	1st	Landed	Aug. 23	311
Oct. 5	do	do	2d			310 $\frac{1}{4}$
30	do	do	3d			269
July 7	B. F. Somes	do	1st	Home	Aug. 23	270
Oct. 5	do	do	2d			230
July 7	Madawaska Maid	do	1st	Home	Aug. 24	310
Oct. 20	do	do	2d			240
July 8	Sea Queen	do	1st	Landed	Aug. 10	300
Oct. 20	do	do	2d			220
July 9	George S. Boutwell	do	1st	Landed	Aug. 22	365
Oct. 20	do	do	2d			310
July 9	Boat Matilda	Newburyport, Mass.	1st	Landed	Aug. 12	125
Sept. 19	do	do	2d			85
July 9	Pioneer	Gloucester, Mass.	1st	Home	Aug. 21	330
Oct. 18	do	do	2d			300
July 9	Wm. H. Raymond	do	1st	Home	Sept. 2	315
9	Olive H. Robinson	Portland, Me.	1st	Landed	Sept. 2	280
Oct. 19	do	do	2d			160
July 10	Wm. H. Thurston	Gloucester, Mass.	1st	Landed	Aug. 22	265
Oct. 19	do	do	2d			200
July 10	Geo. P. Rust	do	1st	Home	Aug. 26	300
Oct. 19	do	do	2d			185
July 10	Joshua Sandborn	do	1st	Landed	Sept. 10	260
Oct. 12	do	do	2d			180
July 10	Peter D. Smith	do	1st	Landed	Aug. 27	240
Oct. 19	do	do	2d			180
July 10	Abbie Morse	Vinalhaven, Me.	1st	Landed	Aug. 19	200
Sept. 4	do	do	2d			60
July 10	Sarah C. Wharf	Gloucester, Mass.	1st	Landed	Aug. 30	270
Oct. 24	do	do	2d			200
July 10	Uncle Joe	Booth Bay, Me.	1st	Landed	Aug. 25	300
Oct. 24	do	do	2d			290
July 10	Arizona	Gloucester, Mass.	1st	Home	Aug. 18	250
10	Yankee Maid	Camden, Me.	1st	Home	Aug. 18	260
Flying Cloud	do	Boston, Mass.	1st	Landed	Aug. 22	240
Oct. 6	do	do	2d			160
July 11	Carleton	Gloucester, Mass.	1st	Landed	Aug. 30	330
Sept. 4	do	do	2d			160
July 11	John Gerard	Newburyport, Mass.	1st	Landed	Sept. 2	240
Sept. 19	do	do	2d			160
July 11	Crown Point	do	1st		Oct. 9	475
11	Commerce	do	1st		Oct. 9	456
11	J. O. Friend, jun.	Gloucester, Mass.	1st		Oct. 9	400
12	Charles H. Hildreth	do	1st	Landed	Aug. 14	300
Sept. 6	do	do	2d			160
July 12	Rosana	Salem, Mass.	1st	Landed	Aug. 14	140
Sept. 18	do	do	2d			80
July 13	Sabine	Gloucester, Mass.	1st	Landed	Aug. 21	250
Sept. 22	do	do	2d			120
July 13	Venilia	Portland, Me.	1st	Landed	Aug. 21	270
13	William Keane	Bremen, Me.	1st	Landed	Sept. 2	210
Oct. 15	do	do	2d			200
July 13	Catalina	Gloucester, Mass.	1st	Landed	Sept. 7	240
Oct. 19	do	do	2d			160
July 13	Veteran	do	1st	Landed	Sept. 9	350
Oct. 18	do	do	2d			205
July 14	William Fisher	Portland, Me.	1st	Landed	Sept. 4	210
15	Mary E. Daniels	Gloucester, Mass.	1st	Landed	Sept. 1	330
Oct. 16	do	do	2d			347
July 15	Trenton	do	1st	Landed	Aug. 18	240

\* All of the fish lost; crew saved.

## AWARD OF THE FISHERY COMMISSION.

Return of United States mackerel-fishing vessels, &amp;c.—Continued.

Date.	Name.	From what port.	Number of trips.	Home or landed.	Date.	Number of barrels.
1874.					1874.	
July 15	Trenton	Gloucester, Mass.	2d			120
	David J. Adams	Salem, Mass.	1st	Home	Aug. 21	330
Oct. 18	do	do	2d		Aug. 21	230
July 16	G. W. Brown	Newburyport, Mass.	1st	Landed	Sept. 2	200
Oct. 4	do	do	2d			80
July 16	Rattler	Gloucester, Mass.	1st	Landed		460
N.Y. 3	do	do	2d		Oct. 12	60
July 16	Martha A. Brewer	Belfast, Me.	1st	Home	Sept. 9	460
16	Lottie F. Babson	Gloucester, Mass.	1st	Landed	Sept. 8	320
Oct. 15	Gettysburg	do	2d			240
July 16	Waverly	do	1st	Landed	Aug. 12	270
Oct. 5	do	do	2d			230
July 17	Annie E. Lane	do	1st	Home	Aug. 25	275
18	Mary M.	do	1st	Home	Oct. 5	400
18	A. H. Whittemore	Deer Isle, Me.	1st	Home	Oct. 10	345
18	Sarah E. Babson	Newburyport, Mass.	1st	Landed	Aug. 18	196
Oct. 5	do	do	2d			144
July 12	Alhambra	Gloucester, Mass.	1st	Landed	Aug. 18	240
Oct. 17	do	do	2d			175
July 19	Flora Temple	do	1st	Home	Sept. 26	136
19	Howard Steele	do	1st	Home	Aug. 22	320
Oct. 17	do	do	2d			290
July 19	Edmund Burke	Newburyport, Mass.	1st	Landed	Aug. 22	150
Oct. 17	do	do	2d			110
July 20	Grace L. Fears	Gloucester, Mass.	1st	Landed	Sept. 10	386
Oct. 17	do	do	2d			230
July 21	Wyoming	do	1st	Landed	Aug. 22	300
Oct. 17	do	do	2d			230
July 22	George B. McClellan	Portland, Me.	1st	Landed	Aug. 17	250
Sept. 3	do	do	2d			100
July 22	Star of the East	Gloucester, Mass.	1st	Landed	Aug. 22	300
Oct. 1	do	do	2d			160
July 22	Sotagawa	do	1st	Home	Oct. 1	400
22	General Grant	do	1st	Home	Oct. 1	460
Col. Ellsworth	do	1st	Refitted		Sept. 5	370
Oct. 10	do	do	2d			110
July 27	Mary Francis	Deer Isle, Me.	1st	Landed	Aug. 30	215
Sept. 30	do	do	2d			95
July 27	Martha F. Pike	Newburyport, Mass.	1st	Home	Oct. 5	365
28	Fleetwood	North Haven, Mass.	1st	Landed	Aug. 20	200
Oct. 5	do	do	2d			125
July 29	Lottie E. Cook	Newburyport, Mass.	1st	Landed	Sept. 2	300
Oct. 20	do	do	2d			175
July 30	Ocean Ledge	do	1st	Landed	Sept. 1	160
Oct. 20	do	do	2d			120
July 31	Abden Keene	Bremen, Me.	1st	Landed	Aug. 22	250
Sept. 20	do	do	2d			130
Oct. 19	do	do	3d			100
Aug. 2	Ettie Gott	Gloucester, Mass.	1st	Landed	Sept. 1	210
Oct. 16	do	do	2d			200
Aug. 2	George F. Keene	Bremen, Me.	1st	Landed	Sept. 10	275
Oct. 16	do	do	2d			235
Aug. 3	Deborah B. Webb	Deer Isle, Me.	1st	Home	Oct. 6	330
Leaping Water	do	Vinalhaven, Me.	1st	Home	Sept. 6	140
Aug. 6	Knight Templar	Gloucester, Mass.	1st	Landed	Oct. 5	340
Nov. 5	do	do	2d			120
Aug. 7	Vision	Hingham, Mass.	1st	Home	Sept. 4	210
9	Alice	Salem, Mass.	1st	Home	Oct. 15	275
11	Moro Castle (new)	Gloucester, Mass.	1st	Home	Oct. 15	420
15	Tookaleta	Portland, Me.	1st	Home	Oct. 15	230
18	Kate McClintock	Booth Bay, Me.	1st	Home	Oct. 15	240
18	Vanguard	do	1st	Home	Oct. 25	225
19	E. F. Willard	do	1st	Home	Oct. 25	250
19	Gertie Lewis	do	1st	Home	Oct. 25	230
22	Arizona	do	1st	Home	Oct. 25	190
22	James Pool	do	1st	Home	Oct. 25	210
22	Hannah Eldridge	do	1st	Home	Oct. 25	290
22	Eita E. Tanner	Gloucester, Mass.	1st	Home	Oct. 25	275
23	Water Fall	Southport, Me.	1st	Home	Oct. 27	290
23	Alice M. Gould	Portland, Me.	1st	Landed	Oct. 10	220
Nov. 6	do	do	2d			190
Aug. 23	Regalia	do	1st	Home	Oct. 10	175
25	Nellie H.	Eastport, Me.	1st	Home	Oct. 20	240
26	General Grant	Booth Bay, Me.	1st	Home	Oct. 20	250

\* Sent fish home by railroad; Sheddac took load potatoes home.

*Return of United States mackerel-fishing vessels, &c.—Continued.*

Date.	Name.	From what port.	Number of trips.	Home or landed.	Date.	Number of barrels.
1874.					1874.	
Aug. 26	Xephias	Rockport, Mass.	1st*	.....	Oct. 2	70
28	A. McDonald	Portland, Me.	1st	Home.	Oct. 18	220
Sept. 1	Nellie May	Salem, Mass.	1st	Landed	Oct. 18	230
1	Twilight	Southport, Me.	1st	Home.	Oct. 18	220
1	Lettie S. Reed	do	1st	Home.	Oct. 18	100
1	Iland Queen	do	1st	Home.	Oct. 18	900
3	Franklin Schenck	Rockport, Mass.	1st	Home.	Oct. 18	220
3	C. C. Warren	Gloucester, Mass.	1st	Seining	.....	375
3	Charger	do	1st	Home.	.....	225
3	Sarah E. Nightingale	Eastport, Me.	1st	Home.	.....	200
5	Aaron Burnham, 2nd	Gloucester, Mass.	1st	Home.	.....	145
5	Mary Burnham	do	1st	Home.	.....	250
6	Samuel Wonson	do	1st	.....	Nov. 6	240
6	George Clarke, jun.	do	1st	.....	Nov. 6	220
9	John W. Dodge	do	1st	.....	Nov. 6	100
13	Flying Sould	do	1st	.....	Nov. 6	250
14	E. A. Horton	do	1st	.....	.....	175
	Ellen Francis	do	1st	.....	.....	145
	C. B. Manning	do	1st	.....	.....	275
Sept. 30	Peerless	do	1st	.....	.....	100
Oct. 3	Alaska	do	1st	.....	.....	125
	Total	.....	.....	.....	.....	63,078

\* Sold at auction for debt.

† Refitted for herring.

*True account.*—Total number American vessels, 164. Seventeen Nova Scotia vessels average about 300 barrels each; the actual haul of the catch of Nova Scotia vessels with hook, 5,280, one vessel with nets, 210 = 5,500, or 383 barrels per vessel.

This is sea-packed barrels; they fall short about 15 pounds per barrel.

The most of those mackerel were caught about Prince Edward Island, small-size mackerel; the best and largest were caught at Magdalen Island.

This may not be a true number of barrels; only gathered this from the vessel men; they call them that quantity; it is not out of the way much either way.

The dates above are correct, and all of those vessels passed through the Gut of Canso, except one; that one fished at Sydney, C. B.—the C. C. Warren. The most of the bay mackerel were caught between East Point, P. E. I., and Georgetown, P. E. I., close inshore.

Yours, truly,

DAVID MURRAY,  
Collector of Port Mulgrave.

FEBRUARY 9, 1875.

## XI.

*Extracts of a report on the condition of the sea-fisheries of the south coast of New England in 1871 and 1872, by Spencer F. Baird, Commissioneer.*

*Page 7.*—As might have reasonably been inferred, the supply, which formerly greatly exceeded the demand, now, to a certain extent at least, and in certain localities, has failed; and the impression has become prevalent that the fish themselves are diminishing, and that in time some kinds at least will be almost or quite exterminated. This assertion is made with reference to several species that formerly constituted an important part of the food supply, and the blame has been alternately laid upon one or another of the causes to which this result is ascribed, the fact of the decrease being generally considered as established.

*Page 19.*—In view of the facts adduced in reference to the shore fishes, there can be no hesitation in accepting the statement that there has been an enormous diminution in their number, although this had already occurred to a considerable degree with some species by the beginning of the present century.

*Page 36.*—The testimony everywhere, with scarcely an exception,

both from line-men and trappers, was that the whole business of fishing was pretty nearly at an end, and that it would scarcely pay parties to attempt to continue the work on a large scale in 1873.

#### GENERAL SUMMARY OF RESULTS.

*Pages 38, 39, 40.*—The general conclusions at which I have arrived as the result of my investigations of the waters on the south side of New England during 1871 and 1872 may be briefly summed up as follows:

1. *The alleged decrease in the number of food fishes in these waters within the past few years has been fully substantiated.*

2. *The shore fishes have been decreasing during the past twenty years, gradually at first, but made more abruptly from about the year 1865, the reduction by the year 1871 being so great as entirely to prevent any successful summer fishing with the hook and line, and leaving to the traps and pounds the burthen of supplying the markets.* This statement applies also, but perhaps to a certain extent, to the blue-fish. The decrease in their numbers first manifested itself about ten years ago, and is going on quite rapidly until now.

3. This period of decrease represents the time during which the traps and pounds have been well established, their operations increasing year by year, and their catch, especially in the early spring, being always very great.

4. In 1871 and 1872 the decrease in the number of fish has been so great as to reduce, very largely, the profit formerly derived by the traps.

5. The appearance in 1871 of an unusual large number of young fish spawned in 1870, is a phenomenon only to be explained by the probable escape of a larger number of breeding fish than usual during the previous season, an abrupt decrease in the ravages of blue-fish and other species, or else by a spontaneous movement northward of newly-hatched fish that ordinarily would have remained on a more southern coast. While these fish will probably, for several years, constitute a marked feature in the fisheries, there is no evidence of the existence of a second crop of young fish corresponding to the one in question.

6. The decrease of the fish may be considered as due to the combined action of the fish pounds or weirs and the blue-fish, the former destroying a very large percentage of the spawning fish before they have deposited their eggs, and the latter devouring immense numbers of young fish after they have passed the ordinary perils of immaturity.

7. There are no measures at our command for destroying the blue-fish, nor would it be desirable to do this, in view of their value as an article of food. The alternative is to regulate the action of the pounds so as to prevent the destruction of fish during the spawning season.

8. The quickest remedy would be the absolute abolition of the traps and pounds. This, however, would be a harsh measure, and their proper regulation will probably answer the purpose of restoring the supply, although a greater number of years will be required. Such regulation may consist either in prohibiting the use of traps or pounds during the entire season of the spawning of fish, or for a certain number of days in each week during that season.

9. As the principal profit of the pounds is derived from the catch of fish during the spawning season, it will probably be sufficient to try the experiment of prohibition of the use of nets from Friday night until Monday morning of each week of the spawning season, and after that no restriction need be imposed.

10. It is desirable that the regulation for a close time during each week be passed by the several States; and if this cannot be effected, then the General Government should enact absolute prohibition, or at least during the spawning season, as it possesses no officers who could exercise the supervision required to enforce the partial closure, or before whom complaints could be entered and the penalty exacted.

11. Any marked increase in the number of shore fishes, resulting from their protection during the spawning season, will probably tend to restore the blue-fish to their original numbers.

12. As there is reason to believe that scup, and to a less degree other shore fishes, as well as blue-fish, have several times disappeared at intervals to a greater or less extent within the historic period of New England, we cannot be certain that the use of traps and pounds within the last ten years has actually produced the scarcity complained of. The fact, however, that these engines do destroy the spawning-fish in so great numbers renders it very probable that they exercise a decided influence. No vested interest or right will suffer by the experiment of regulating the period of their use, as we have attempted to show that a better price will be obtained from a smaller number of fish, by preventing the glutting of the market, and the consequent waste of so perishable an article as fresh fish.

13. A feeling of bitterness entertained by the line-fishermen and the general public against traps and pounds, and those who own and profit by them, will, in a measure, be allayed if the experiment of regulation and restriction be tried, at least for a few years.

## XII.

*Extract from eighth report of the Commissioners of Fisheries of the State of Maine for the year 1874 (page 7.)*

WASHINGTON, D. C., November 16, 1872.

MY DEAR SIR: I am in receipt of your letter asking my opinion as to the probable cause of the rapid diminution of the supply of food fishes on the coast of New England, and especially of Maine. The fact, as stated, needs no question; it is too patent to the experience of every man who has been interested in the fisheries, whether as a matter of business or as an amateur. An examination of the early records of the country in which the subject is referred to, cannot fail to convince the most sceptical.

We are all very well aware that fifty or more years ago the streams and rivers of New England emptying into the ocean were crowded, and almost blockaded at certain seasons, by the numbers of shad, salmon, and alewives seeking to ascend, for the purpose of depositing their spawn, and that even after these parent fish had returned to the ocean, their progeny swarmed to an almost inconceivable extent in the same localities, and later in the year descended to the sea in immense schools. It was during this period that the deep-sea fisheries of the coast were also of great extent and value. Cod, haddock, halibut, and the line-fish generally, occupied the fishing grounds close to the shore, and could be caught from small open boats, ample fares being readily taken within a short distance of the fishermen's abodes, without the necessity of resorting to distant seas. Now, however, the state of things is entirely different. The erection of impassable dams upon the waters of the New England States, and especially of the State of Maine, has prevented the upward course of the anadromous fishes referred to, and their num-

bers have dwindled away, until at present they are almost unknown in many, otherwise, most favorable localities.

The fact has been observed, too, that with the decrease of these fish there has been a corresponding diminution in the numbers of the cod and other deep-sea species near our coast; but it was not until quite recently that the relationship between the two series of phenomena was appreciated as those of cause and effect. Halibut, it is believed, can be reduced in abundance by overfishing with the hook and line, but experiences in Europe and America coincide in the confirmation of the opinion that none of the methods now in vogue for the capture of fish of the cod family (including the cod, haddock, pollock, hake, ling, &c.), can seriously affect their numbers. Fish, the females of which deposit from one to two millions of eggs every year, are not easily exterminated unless they are interfered with during the spawning season, and as this takes place in the winter and in the open sea (the spawn floating near the surface of the water), there is no possibility of any human interference with the process. Still, however, these fish have become comparatively very scarce on our coast, so that our people are forced to resort to far distant regions to obtain the supply which formerly could be secured almost within sight of their homes.

It is now a well-established fact that the movements of the fishes of the cod family are determined, first, by the search after suitable places for the deposit of their eggs; second, by their quest for food. Thus, the cod, as a summer fish, is comparatively little known on the coast of Northern Europe; but as winter approaches, the schools begin to make their appearance on the northwestern coast of Norway, especially around the Lofoten Islands, arriving there finally in so great numbers that the fishermen are said to determine their presence by feeling the sounding lead strike on the backs of the fish.

Here they spend several months in the process of reproduction, the eggs being deposited in January, and the fishery being prosecuted at the same time. Twenty-five to thirty thousand men are employed in this business for several months; at the end of which the fish disappear, and the fishermen return to their alternate occupations as farmers and mechanics. The fish are supposed to move off in a body to the Grand Banks, which they reach in early summer, and where they fatten up and feed until it is time for them to return again to the northeast. It is believed that the great attraction to the cod on the Banks, consists in great part of the immense schools of herring or other wandering fish, that come in from the region of the Labrador and Newfoundland seas, and which they follow frequently close in to the shore, so that they are easily captured.

It is well known that the presence or absence of herring determines the abundance of hake and cod on the Grand Manan Fishing Banks, the fishes of the first mentioned family having a peculiar attraction to carnivorous fish of all kinds. It is, however, the anadromous fishes of the coast which bring the cod and other fishes of that family close in upon our shores. The sea herring is but little known, outside of the region of the Bay of Fundy, excepting in September and October, when they visit the entire coast from Grand Manan to Scituate, for the purpose of depositing their spawn; this act depending upon their finding water sufficiently cold for their purposes, a condition which of course occurs later and later in the season, in going south.

In early spring, the alewives formerly made their appearance on the coast, crowding along our shores and ascending the rivers in order to deposit their spawn, being followed later in the season by the shad and

salmon. Returning when their eggs are laid, these fish spend the summer along the coast; and in the course of a few months were joined by their young, which formed immense schools in every direction, extending outward, in some instances, for many miles. It was in pursuit of these and other summer fish that the cod and other species referred to came in to the shores; but with the decrease of the former in number, the attraction became less and less, *and the deep-sea fishes have now, we may say, almost disappeared along the coast.*

It is therefore perfectly safe to assume that the improvement of the line fishing along the coast of Maine is closely connected with the increase in number of alewives, shad, and salmon, and that whatever measures are taken to facilitate the restoration of these last-mentioned fish to their pristine abundance, will act, in an equal ratio, upon the first-mentioned interest. The most important of the steps in question are the proper protection of these spring fish, and the giving to them every facility needed for passing up the streams to their original spawning grounds. This is to be done, of course, by the construction of suitable fishways and ladders. The real question at issue in regard to the construction of these fishways is, therefore, after all, not whether salmon shall become more plentiful, so that the sportsman can capture them with the fly, or the man of means be able to procure a coveted delicacy in large quantities and at moderate expense. This is simply an incident. The more important consideration is really whether the alewife and shad shall be made as abundant as before, and whether the cod or other equally desirable sea-fish shall be brought back to our coast, so that any one who may be so inclined can readily capture several hundred weight in a day.

The value of the alewife is not fully appreciated in our country. It is in many respects superior to the sea herring as an article of food; is, if anything, more valuable for export, and can be captured with vastly less trouble, and under circumstances and at a season much more convenient for most persons engaged in the fisheries.

I have already extended this letter to an unreasonable length, and must therefore bring it to a close, with the assurance, however, that all the propositions I have thrown out can be amply substantiated.

Very truly yours,

SPENCER F. BAIRD,

*United States Commissioner of Fish and Fisheries.*

E. M. STILLWELL, Esq., Bangor, Maine.

NOTE.—This letter has been once before given to the public in the columns of our report, but we deem it of sufficient importance to republish, until its plain, simple, uncontrovertible truths have stamped themselves upon the minds of every citizen of our State.

### XIII.

CHARLOTTETOWN, PRINCE EDWARD ISLAND,  
19th February, 1873.

SIR: Herewith inclosed I beg to forward you the statistics of the export and value of island-caught fish from 1850 to date, as well as the description, quantity, and value of the shipments to the United States during the same period. As you will perceive, up to 1857 the returns laid before our legislature were not sufficiently detailed to enable me to go beyond the classifications thereto given. The values in Table A sometimes vary considerably, but this arises more from a fluctuation in the quantities of the various kinds of fish exported than from a change in prices.

The number of British and American vessels engaged in the fisheries around our shores varies from year to year. In 1852 and 1853, when the local government gave bounties to fishermen, the tonnage employed in this industry ranged as high as 1,600 tons, while it does not now probably exceed 1,000 tons. Last season I understand the number of island vessels engaged in the fisheries did not amount to more than 15. Their value would be about \$60,000, including outfit, provisions, &c. The magnitude and catch of the Nova Scotia and New Brunswick fleet is a matter within your own immediate cognizance, and therefore one upon which I need not venture to express an opinion. Of the American fishermen the annual average since 1852 will not exceed 450 sail. This is Mr. Hall's estimate; the Hon. Mr. Holan thinks 600 will be nearer the mark, and in this the Hon. A. A. McDonald concurs. Some seasons as many as 800 have visited the Gulf. Mr. Hall reckons the catch at 400 barrels of mackerel per vessel, and the number of hands at from 8,000 to 10,000. According to this gentleman's figures, the capital embarked by the United States ranges from \$3,500,000 to \$5,000,000 in tonnage, to which may be added 25 per cent. more for salt, barrels, bait, provisions, &c. It is proper to observe the American fleet visiting our shores has fallen off within the last two or three years.

As to the fish taken, the codfish may be considered as outside the marine league. Alewives and salmon are stream and river fish. The halibut, of which considerable quantity is being caught of late years, frequent Anticosti and the Dominion coast. For the United States, mackerel is the principal fish to be had in the Gulf of Saint Lawrence. Of their total catch Mr. Hall estimates that *one-third* of it is inside the the three-mile line. Bait is chiefly imported from the United States. Island herring and clams are used by fishermen to a small extent. Except pogies, no fish is imported here from the neighboring republic.

Assuming the catch per vessel to be 400 barrels, and I think it is a moderate figure, it gives from 180,000 to 240,000 barrels as the quantity taken on our coasts, representing, at \$12 per barrel, a value of nearly \$3,000,000.

Around our shores probably 500 boats are employed in the fishing industry. Their "take" is nearly all inside the marine league. Average men per boat, four; catch in 1871, 20,000 barrels, besides say 10 per cent. sold to United States vessels on the fishing grounds, and of which we have no returns.

As to the fishing trade generally, as enjoyed by the Americans, I feel that you can, with the statistics before you, form a more correct opinion of its importance and extent than I can presume to do. The advantage of doing away with the three mile limit is to them very great. Fishing is, at best, a precarious business, and the exclusion of the United States from the shore fisheries increases its hazards and lessens its profits. It operates against their fishermen constantly, for the boundary being in one sense undefined, foreign vessels trespassing, or even in suspicious proximity to the three-mile line, are disturbed by the appearance of every cutter, and compelled to move off, no matter how plenty the fish may be. If mackerel is abundant inside the marine league, and scarce outside it, the privilege of following the fish renders the chances of a successful voyage pretty certain. To remove the present restrictions will, I am assured, add 25 per cent. to the value of the Gulf fisheries to the United States. Of equal importance to them is the privilege of landing, refitting, reshipping, and procuring salt, barrels, provisions, &c., in colonial ports adjacent to the fishing grounds. This Mr. Hall estimates as worth an additional 25 per cent. to the

American fishing industry. The removal of restrictions under the three-mile-line boundary, and allowing the United States fleet to follow the mackerel inside its limits, gives them two chances to one in favor of a good catch. It also places milk, vegetables, butter, fresh meat, &c., within easy reach of those in want of such supplies, thereby saving time, and contributing to the health and comfort of the men. The reshipment privilege is about equivalent to an extra trip. If the fish is sent home in the bottoms in which it is caught, between three and four weeks' time will be lost to the vessels and crew. Their first fare is completed about the 1st of August, and if they must return with it to their respective ports, they cannot well get back to the gulf again before the beginning of September. Here is nearly a month lost, at a time when the fishing is good. Assuming the catch in August to be 100 barrels per vessel, and reckoning it as worth \$12 a barrel, it represents an amount ranging from half to three-quarters of a million dollars.

I am not in a position to construct a general argument upon the respective values of the fishing-grounds proposed to be exchanged; but one fact should not be overlooked, namely, that the gulf fisheries are as yet only partially developed, while those on the American coast have been prosecuted to their fullest extent for many years. Thousands of United States fishermen leave their own shores and visit ours; scarcely any colonial vessels go to fish in American waters.

The question of a refund of duties paid on British-caught fish in the United States during the past two years (1871 and 1872) is one which, I am of opinion, might be urged upon the Commission to be appointed under the Treaty of Washington. The sum due or claimed by this island is about \$30,000.

.I have the honor to be, sir, your obedient servant,

D. CURRIE.

Hon. PETER MITCHELL,

*Minister of Marine and Fisheries, Ottawa.*

*Quantity and value of fish exported from Prince Edward Island, from 1850 to 1872, inclusive, to all countries.*

Year.	Dry fish. Quintals.	Value.	Pickled fish. Barrels.	Value.	Total value.
1850 .....	55,770	\$10,716	738	\$3,868	\$14,584
1851 .....	7,867	16,025	3,624	15,795	31,820
1852* .....	11,517	25,403	5,110	23,042	48,445
1853† .....	13,471	24,962	5,413	26,883	51,845
1854 .....	8,496	32,342	3,147	17,863	40,205
1855 .....	11,949	30,139	5,067	33,261	63,400
1856 .....	10,977	35,590	5,684	34,990	70,580
1857 .....	14,004	30,995	10,196	54,357	85,952
1858 .....	15,953	36,695	11,152	61,445	98,140
1859 .....	18,783	49,945	7,761	51,200	101,145
1860 .....	15,358	40,050	23,996	92,885	138,735
1861 .....	13,574	32,065	9,427	39,571	71,636
1863 .....	10,455	32,135	4,723	39,440	52,575
1863 .....	15,086	43,490	7,587	46,065	89,555
1864 .....	9,750	32,175	8,917	58,760	84,935
1865 .....	9,373	28,992	20,488	203,363	232,628
1866 .....	11,301	33,865	16,064	93,155	137,020
1867 .....	11,742	31,585	16,843	138,030	169,615
1868 .....	10,819	32,750	17,308	185,313	218,063
1869 .....	13,298	35,508	15,481	132,619	168,197
1870 .....	9,094	24,720	19,254	196,927	231,717
1871 .....	17,976	58,740	24,989	175,965	234,705
1873 .....	19,434	66,416	11,416	106,432	172,848

\* 2,352 paid in; in 1852, 22 vessels employed, tonnage 1,162.  
† 3,367 paid in; in 1853, 28 vessels employed, tonnage 1,611.

## AWARD OF THE FISHERY COMMISSION.

*Quantity and value of fish exported from Prince Edward Island to all countries, from 1873 to 1876, inclusive.*

Year.	Dry fish.	Value.	Pickled fish.	Value.	Other fish.	Total value.
	Quintals.		Barrels.			
1873.....		\$90,554	4,064	\$89,830	\$2,197	\$52,581
1874.....		23,208	9,131	85,404	26,622	135,234
1875.....	5,497	21,410	33,780	965,364	21,963	304,037
1876.....	5,289	14,291	.....	120,110	37,825	181,936

*Quantity and value of fish exported from Prince Edward Island to the United States, from 1850 to 1876, inclusive.*

[All island-caught.]

	Quantity.	Value.		Quantity.	Value.			
1850.								
Dry fish .....	1,585	\$1,585	Codfish .....	qtls..	3,589			
Pickled fish .....	9,215	9,215	Hake .....	do ..	2,900			
Total .....	10,800	10,800	Alewives .....	bbls..	2,445			
			Herring .....	do ..	2,725			
			Mackerel .....	do ..	4,078			
1851.								
Dry fish .....	1,586	1,586	Total .....	.....	66,380			
Pickled fish .....	10,845	10,845						
Total .....	12,431	12,431	1858.					
			Codfish .....	qtls..	6,680	\$9,000		
			Hake .....	do ..	1,549	2,810		
			Alewives .....	bbls..	2,013	6,930		
			Herring .....	do ..	2,787	9,140		
			Mackerel .....	do ..	3,243	33,890		
1852.								
Dry fish .....	10,376	10,376	Total .....	.....	73,510			
Pickled fish .....	17,565	17,565						
Total .....	27,941	27,941	1859.					
			Codfish .....	qtls..	4,784	12,600		
			Hake .....	do ..	1,373	2,770		
			Alewives .....	bbls..	1,853	5,900		
			Herring .....	do ..	6,038	19,110		
			Mackerel .....	do ..	3,471	36,760		
1853.								
Dry fish .....	6,956	6,956	Total .....	.....	77,930			
Pickled fish .....	13,512	13,512						
Total .....	20,468	20,468	1860.					
			Codfish .....	qtls..	2,398	7,085		
			Hake .....	do ..	1,917	2,650		
			Alewives .....	bbls..	684	2,950		
			Herring .....	do ..	2,949	6,455		
			Mackerel .....	do ..	1,143	11,525		
1854.								
Dry fish .....	3,360	3,360	Total .....	.....	39,905			
Pickled fish .....	10,254	10,254						
Total .....	13,614	13,614	1861.					
			Codfish .....	qtls..	2,398	7,085		
			Hake .....	do ..	1,917	2,650		
			Alewives .....	bbls..	684	2,950		
			Herring .....	do ..	2,949	6,455		
			Mackerel .....	do ..	1,143	11,525		
1855.								
Dry fish .....	9,300	9,300	Total .....	.....	29,410			
Pickled fish .....	16,586	16,586						
Total .....	25,886	25,886	1862.					
			Codfish .....	qtls..	2,079	4,700		
			Hake .....	do ..	1,221	1,705		
			Alewives .....	bbls..	447	1,135		
			Herring .....	do ..	580	2,550		
			Mackerel .....	do ..	2,321	19,330		
1856.								
Dry fish .....	9,725	9,725	Total .....	.....	49,425			
Pickled fish .....	19,770	19,770						
Total .....	29,495	29,495	1863.					
			Codfish .....	qtls..	2,968	6,770		
			Hake .....	do ..	2,734	6,055		
			Alewives .....	bbls..	718	2,375		
			Herring .....	do ..	1,634	51,80		
			Mackerel .....	do ..	3,402	27,045		
1857.								
Codfish .....	qtls..	2,319	6,000					
Hake .....	do ..	1,802	4,490					
Herring .....	bbls..	1,394	3,990					
Mackerel .....	do ..	3,048	25,000					
Alewives .....	do ..	2,063	6,815					
Salmon .....	do ..	10	150					
Total .....		46,445						

*Quantity and value of fish exported from Prince Edward Island, &c.—Continued.*

	Quantity.	Value.		Quantity.	Value.
1864.					
Codfish	qts.	769	\$3,615	Alewives	bbls.
Alewives	bbls.	1,016	2,810	Sounds	do.
Herring	do.	915	1,175	Mackerel	do.
Mackerel	do.	6,583	42,775	Total	
Total			50,375		195,606
1865.					
Codfish	qts.	732	3,625	Codfish	qts.
Hake	do.	865	2,675	Hake	do.
Alewives	bbls.	2,188	8,600	Alewives	bbls.
Herring	do.	1,048	5,840	Herring	do.
Mackerel	do.	16,530	181,675	Mackerel	do.
Total			202,415	Sounds	
1866.					
Codfish	qts.	1,190	2,945	Codfish	qts.
Hake	do.	360	600	Hake	do.
Herring	bbls.	329	675	Alewives	bbls.
Mackerel	do.	13,418	79,990	Herring	do.
Total			84,210	Mackerel	do.
1867.					
Codfish	qts.	1,926	3,665	Sounds	
Alewives	bbls.	1,315	3,945	Salmon	boxes.
Herring	do.	158	525	Total	
Mackerel	do.	12,302	110,195		37,460
Total			127,330		
1868.					
Codfish	qts.	879	3,341		
Hake	do.	515	770	Codfish	dry
Alewives	bbls.	1,158	3,472	Herring, pickled	bbls.
Herring	do.	1,790	6,550	Mackerel, pickled	do.
Mackerel	do.	11,866	161,736	Salmon, pickled	do.
Total			173,969	Salmon, canned	lbs.
1869.				Fish, all other	
Codfish	qts.	9,004	7,015	Fish, products of	
Hake	do.	1,204	3,000	Total	
Alewives	bbls.	1,017	2,705		106,376
Herring	do.	1,005	2,685		
Mackerel	do.	10,943	109,625		
Total			125,030		
1870.					
Codfish	qts.	1,611	5,505		
Hake	do.	889	2,305		
Alewives	bbls.	536	1,525		
Herring	do.	1,131	4,200		
Mackerel	do.	13,960	176,280		
Total			210,875		
1871.					
Codfish	qts.	8,293	27,656		
Halibut	do.	1,082	3,400	Total	
					138,064

## XIV.

*Extract from the Sixth Annual Report of the Commissioners of Inland Fisheries of Massachusetts for the year ending January 1, 1872.*

*Page 27.—Indeed, it takes many hands, working in many ways, to catch bait enough for our fishing-fleet, which may easily be understood when it is remembered that each George's man takes fifteen or twenty barrels for a trip, and makes two or three trips; and that each mackerel lays in from seventy-five to one hundred and twenty barrels, or even more than that.*

## XV.

*Extract from the Instructions to Her Majesty's High Commissioners and Protocols of Conferences held at Washington between February 27 and May 6, 1871.*

## 1. THE FISHERIES.

On the termination of the Reciprocity Treaty of the 5th of June, 1854, by the United States Government, the discussions respecting the rights of American fishermen under Article I of the Convention of the 20th of October, 1818, which had been set at rest by the Reciprocity Treaty, were revived, and, although temporary measures were taken to avoid pressing with severity upon American fishermen by the adoption of a system of licenses, it has been found impracticable to continue this system indefinitely; and, on its withdrawal, much excitement has been occasioned among the coast population of the Eastern States of the Union by the capture of boats engaged in illegal fishing, contrary to the Convention of 1818.

The correspondence will put you in possession of the facts of the several captures, and enable you to judge, and explain, if necessary, how far the pretensions of the American fishermen are exaggerated and the leniency with which they have been treated, under the directions of Her Majesty's Government and of the Government of the Dominion, by the officers charged with the protection of the British fisheries.

Irrespective, however, of the captures and confiscations of boats during the recent fishing-season, there are, and have been for many years, differences of interpretation put upon the Convention of 1818 by the respective governments, which might, at any time, rise into serious importance.

The two chief questions are: As to whether the expression "three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions" should be taken to mean a limit of three miles from the coast line or a limit of three miles from a line drawn from Headland to Headland; and whether the proviso that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever," is intended to exclude American vessels from coming inshore to traffic, tranship fish, purchase stores, hire seamen, &c.

Her Majesty's Government would be glad to learn that you were able to arrive at a conclusive understanding with the Commissioners of the United States upon the disputed interpretation of the Convention of 1818; but they fear that you will find it expedient that a settlement should be arrived at by some other means, in which case they will be prepared for the whole question of the relations between the United

States and the British Possessions in North America, as regards the fisheries, being referred for consideration and inquiry to an International Commission, on which two Commissioners to be hereafter appointed, in consultation with the Government of the Dominion, should be the British representatives.

Should the Government of the United States concur in this, it would be advisable that no time should be lost in appointing Commissioners on their side, and in the Commission commencing its labors; and, as it is scarcely probable that the Commissioners will be able to report, and a treaty be framed, before the commencement of the next fishing-season, it would be also desirable that you should agree upon some means, by license or otherwise, by which disputes may be avoided in the meanwhile.

#### ARTICLES XVIII TO XXV.

At the conference on the 6th of March the British Commissioners stated that they were prepared to discuss the question of the fisheries, either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the treaty of 1818 and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis.

The American Commissioners said, that, with a view of avoiding the discussion of matters which subsequent negotiation might render it unnecessary to enter into, they thought it would be preferable to adopt the latter course, and inquire what, in that case, would be the basis which the British Commissioners desired to propose.

The British Commissioners replied, that they considered that the Reciprocity Treaty of 5th June, 1834, should be restored in principle.

The American Commissioners declined to assent to a renewal of the former Reciprocity Treaty.

The British Commissioners then suggested that if any considerable modification were made in the tariff arrangements of that treaty, the coasting trade of the United States and of Her Britannic Majesty's Possessions in North America should be reciprocally thrown open, and that the navigation of the river St. Lawrence and of the Canadian Canals should be also thrown open to the citizens of the United States on terms of equality with British subjects.

The American Commissioners declined this proposal, and objected to a negotiation on the basis of the Reciprocity Treaty. They said that that treaty had proved unsatisfactory to the people of the United States, and consequently had been terminated by notice from the Government of the United States, in pursuance of its provisions. Its renewal was not in their interest, and would not be in accordance with the sentiments of their people. They further said that they were not at liberty to treat of the opening of the coasting trade of the United States to the subjects of Her Majesty residing in her possessions in North America.

It was agreed that the questions relating to the navigation of the river St. Lawrence, and of the Canadian Canals, and to other commercial questions affecting Canada, should be treated by themselves.

The subject of the fisheries was further discussed at the conferences of the 7th, 20th, 22d, and 25th of March.

The American Commissioners stated that if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase, for a sum of money, the right to enjoy, in perpetuity, the use of these inshore fisheries in common with British fishermen, and mentioned \$1,000,000 as the sum they were prepared to offer.

The British Commissioners replied that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries did not form a part; adding that any arrangement for the acquisition by purchase of the inshore fisheries in perpetuity was open to grave objection.

The American Commissioners inquired whether it would be necessary to refer any arrangement for purchase to the colonial or provincial Parliaments.

The British Commissioners explained that the fisheries within the limits of maritime jurisdiction were the property of the several British Colonies, and that it would be necessary to refer any arrangement which might affect colonial property or rights, to the colonial or provincial Parliament; and that legislation would also be required on the part of the Imperial Parliament. During these discussions the British Commissioners contended that these inshore fisheries were of great value, and that the most satisfactory arrangement for their use would be a reciprocal tariff arrangement, and reciprocity in the coasting-trade; and the American Commissioners replied that their value was over estimated; that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation, and that they could hold out no hope that the Congress of the United States would give its consent to such a tariff arrangement as was proposed, or to any extended plan of reciprocal free admission of the products of the two countries; but that, inasmuch as one branch of Congress had recently, more than once, expressed itself in favor of the abolition of duties on coal and salt, they would propose that coal, salt, and fish be reciprocally admitted free; and that, inasmuch as Congress had removed the duty from a portion of the lumber heretofore subject to duty, and as the tendency of legislation in the United States was towards the reduction of taxation and of duties in proportion to the reduction of the public debt and expenses, they would further propose that lumber be admitted free from duty from and after the 1st of July, 1874, subject to the approval of Congress, which was necessary on all questions affecting import duties.

The British Commissioners, at the conference on the 17th of April, stated that they had referred this offer to their government, and were instructed to inform the American Commissioners that it was regarded as inadequate, and that Her Majesty's Government considered that free lumber should be granted at once, and that the proposed tariff concessions should be supplemented by a money payment.

The American Commissioners then stated that they withdrew the proposal which they had previously made of the reciprocal free admission of coal, salt, and fish, and of lumber after July 1, 1874; that that proposal had been made entirely in the interest of a peaceful settlement, and for the purpose of removing a source of irritation and of anxiety; that its value had been beyond the commercial or intrinsic value of the rights to have been acquired in return; and that they could not consent to an arrangement on the basis now proposed by the British Commissioners; and they renewed their proposal to pay a money equivalent for the use of the inshore fisheries. They further proposed that, in case the two governments should not be able to agree upon the sum to be paid as such an equivalent, the matter should be referred to an impartial Commission for determination.

The British Commissioners replied that this proposal was one on which they had no instructions, and that it would not be possible for

them to come to any arrangement except one for a term of years and involving the concession of free fish and fish-oil by the American Commissioners; but that if free fish and fish-oil were conceded, they would inquire of their government whether they were prepared to assent to a reference to arbitration as to money payment.

The American Commissioners replied that they were willing, subject to the action of Congress, to concede free fish and fish-oil as an equivalent for the use of the inshore fisheries, and to make the arrangement for a term of years; that they were of opinion that free fish and fish-oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent, it being understood that legislation would be needed before any payment could be made.

The subject was further discussed in the conferences of April 18 and 19, and the British Commissioners having referred the last proposal to their government and received instructions to accept it, the Treaty Articles XVIII to XXV were agreed to at the conference on the 22nd April.

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## APPENDIX F.

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### BRITISH EVIDENCE.

No. 1.

TUESDAY, July 31, 1877.

The conference met.

Captain SIMON CHIVARIE, forty-five years of age, of Souris, Prince Edward Island, was called on behalf of the Government of Her Britannic Majesty, sworn, and examined:

By Mr. Davies:

Question. For how many years have you followed the business of a fisherman?—Answer. I have pursued it from the year 1848 up to the present season.

Q. As a business?—A. Yes.

Q. Where have you followed it; solely in British American waters?—A. No. During part of this time I have fished on the American coast. I have principally fished, however, in the Gulf of St. Lawrence.

Q. Where did you begin the business?—A. I began it in the Gulf of St. Lawrence, in an American schooner called the Josephine.

Q. In what year?—A. In 1848.

Q. And did you so pursue it continuously?—A. We made one trip that season in this bay.

Q. And that was in British Canadian waters—in our own waters?—A. Yes. Then I went back to the States, and came down next season in another schooner.

Q. What was your catch during the trip you have mentioned?—A. Three hundred barrels. We only went one trip that season.

Q. And that was in the year 1848?—A. Yes.

Q. Speaking with reference to the tonnage of the fishing schooners, would you tell us whether there was much difference in them?—A. The general run of vessels was about sixty-five tons. Some, however, have gone as high as one hundred and thirty tons of late years.

Q. But during this year, 1848, and during the years 1850, '55, and '60, what was it?—A. There were a few large vessels having a tonnage of one hundred and forty.

Q. But what was the general average?—A. It was from seventy-five to eighty tons.

Q. What was the size of the Josephine?—A. It was seventy-five tons.

Q. And you caught three hundred barrels in one trip; where was this?—A. Yes. At the bend of the island.

Q. Will you explain what is the bend of the island?—A. It lies between the East Point and the North Cape of Prince Edward Island.

Q. Speaking with reference to distance, will you tell us how far you fished from the shore in the bend of the island?—A. During that trip we caught fish principally within three miles of the shore. We were very close to it, because it was in October, the latter part of the fishing season.

Q. You are quite sure of that?—A. Yes.

Q. It was well within the three-mile limit?—A. Yes.

Q. And you caught all your fish during that trip inside of three miles from the shore?—A. Yes.

Q. Where were you next season, captain?—A. I was then, also, in the Gulf of St. Lawrence.

Q. And in what vessel?—A. In the schooner Hezron.

Q. Where did you sail from?—A. From Newburyport, in the United States.

Q. What was the size of this vessel?—A. I think it was about eighty tons.

Q. Where did you go to fish?—A. We fished principally on what is called the West Shore.

Q. What is the West Shore?—A. It is on the Bay of Chaleurs.

Q. That is up at the north end of New Brunswick?—A. It stretches from Miscou down to Miramichi. We always call this part the West Shore.

Q. Miscou is an island, lying at the mouth of the Bay of Chaleurs?—A. Yes; it lies on the southwest side.

Q. And what was your catch?—A. We caught there during part of the trip. I remained there during the whole season in that vessel. We came down in July and remained the whole of the season. The vessel was large, and was fitted out for one trip. The catch for the whole trip was, I think, about five hundred barrels. We fished during the first part of the season—July—on that coast; and in September we came down and fished along the bend of the island until October. We fished as we came down from the north; that is the general course followed by the fishermen.

Q. At this stage will you describe to the Commission, what course the fish take?—A. The mackerel make their first appearance off Cape May and Cape Hatteras, on the American coast, and those who fish for mackerel make it a point to go there first for them. The fish afterward come up to the Gulf.

Q. At what time of the year is this?—A. In May. They appear sometimes off these points as early as April—about the 20th, perhaps. They are followed down the coast off Cape Cod and Block Island, and caught. The great body of them go in this direction. When the mackerel are off the banks of the Georges, on the coast of the United States they disappear, and for the next week or ten days the vessels in this part are packing off.

Q. What do you mean by packing off?—A. Repacking, inspecting, and branding, and getting the fish ready for market.

Q. You land for that purpose?—A. Yes; and then start afresh. The next trip we call the bay trip. We come down to the bay in June.

Q. What do you call the bay?—A. The Gulf of the St. Lawrence. We then fit up for what we call the trip for poor mackerel. We leave the different ports in the United States about the 10th or the 15th of June, and follow the mackerel down the coast. We generally find them first on the Bank Bradley. We come up north and very often we may meet the mackerel also coming up along the coast. We make it a point to strike Bradley Bank and Orphan Bank, as we hit the first mackerel there. This bank is situated on the north end of Prince Edward Island.

Q. This is right off Cape North, Prince Edward Island?—A. Yes; we find the mackerel there in large quantities. Why we look for them there is, because it is customary to follow them up in that way, as they come to spawn on these banks. The mother fish make for these banks, and we always make it a point to meet them and catch them with the

hook. They generally bite well a few days before spawning. We catch them losing the spawn; and we secure large and heavy decks of them. We then take from fifty to sixty barrels a day. In a few days the fish disappear, and then all over the banks there are no fish for ten or twelve days afterwards.

Q. The fish are then spawning?—A. Yes; we then leave these grounds, and strike the fish off Bay Chaleurs on the west shore. We meet the mackerel then after spawning. We follow them as it were from Bank Bradley and Orphan Bank, after they spawn and strike them off the west shore, where they go to get food. Then we fish along the shore of the west coast on Bay Chaleurs, and go down the Gulf of the St. Lawrence, sometimes to Gaspe, and even as far as Seven Islands and Bic Island. I have been as far as Bic Island.

Q. What did I understand you to say—that the mackerel strike off shore after spawning?—A. We find that after spawning they seek food. They feed from the Bay of Chaleurs down this the southern part of the gulf. Their food consists of a small shrimp which is found in these waters. It gathers in the eddies.

Q. Are they found close to the shore?—A. Yes, they keep in the eddies near the shore, where the mackerel make for them.

Q. And the mackerel follow after this food?—A. Yes.

Q. On what other food do they live?—A. They live principally on this food.

Q. On these shrimps?—A. Yes; except up the Gulf of Saint Lawrence, near Gaspe, where they feed on the lants, a small fish about three inches long.

Q. The sand-lants?—A. Yes.

Q. This is from Gaspe farther north?—A. From Gaspe to Bic Island and across, on the Labrador shore; in all that part of the coast.

Q. And down from Gaspe south they feed on the shrimp?—A. Yes.

Q. Where are the shrimp found?—A. From the Bay of Chaleurs and around that part of the west shore, and down the coast of the island.

Q. Are these shrimps found in the open water in the gulf?—A. No; chiefly not. We do not notice them in the open gulf. They are mostly found in bays and in eddies along the coast. They are a small fish which you would hardly notice. If you draw up a bucket of water where they are you could see them in it.

Q. Coming back to the trip in the Hezron, during your second season, in what year did you make it?—A. I think it was in the year 1849.

Q. About what time did you say mackerel spawn?—A. Along about the first of July.

Q. And for some days they remain hidden; they strike off shore; how long do they remain in the grounds of the bay?—A. We generally allow them a week to spawn. We then come up to the Bay of Chaleurs, and we there meet the same mackerel.

Q. And how long do you remain there waiting for them?—A. For a week or ten days.

Q. And where do they go then?—A. They keep along the coast.

Q. Until when?—A. They so keep on till coming on the first of September. Along about the tenth of September the mackerel begin to move down the gulf.

Q. And where do they go?—A. They strike down the coast of Prince Edward Island.

Q. And how long do they remain along the coast of Prince Edward Island?—A. Until the last of October.

Q. And then they strike for—where?—A. They strike along the north

side of Cape Breton at Margere Island, Port Hood, and Cheticamp; and then we follow them down to Sidney. We lose them there. They disappear. They take to the Nova Scotian shore, but the mackerel fleet does not follow them farther than Cape North and Scatari, at the south end of Cape Breton.

Q. They stop following them at Scatari?—A. Yes; the mackerel then stop biting.

Q. They return along Nova Scotia down to American waters?—A. Yes. Then we make it a point to get home as quickly as possible. We next strike the same school of mackerel about Cape Cod.

Q. You get home with your bay catch and you start again and pick them up above Cape Cod in American waters?—A. Yes.

Q. At what time of the year is this?—A. In November or in the last of October.

Q. From July to November you follow them in the bay?—A. Yes, we follow them in the bay until the 1st or the 10th of November.

Q. From what date?—A. We make it a point to leave on the first trip about the 15th of June.

Q. I understand that the fleet fish in the bay from about the 15th of June until somewhere about the 1st of November?—A. Yes. Sometimes some few vessels may remain, hanging around to see if there are any left, along up to the 10th of November, at Scatari and in these places.

Q. But the main fleet leave about the 1st of November?—A. Yes. It is a settled point that the fleet leave off mackerel fishing in the gulf on the 1st of November. Then these fish are caught from that time up to December on the American coast, off Block Island, Cape Cod, and these places. They then disappear and go off; I suppose down the Gulf Stream. We do not see them again until the next spring off Capes Cod, May, and Hatteras.

Q. You do not know where they go then?—A. I never follow them any farther—after they disappear.

By Sir Alexander Galt:

Q. Is there any mackerel fishing during the summer off the American coast? Do we understand that they are all gone north at this season?—A. Yes, there is. Some seasons mackerel remain scattered all along the shore, but the main body of the mackerel strike down this bay. The mackerel that remain on the American shore are of smaller size. They are caught off Cape Cod and along the island.

By Mr. Davies:

Q. You said something about the size of these mackerel?—A. They are of smaller size than those of the main body which comes to the bay.

Q. The small fish remain on the American shore?—A. Yes.

Q. If the fish are large does it follow that they come north?—A. Yes.

Q. How do you explain that?—A. I have followed the business up as a fisherman pretty closely, and my experience has been this: We find the Banks in the Gulf in the fall of the year, after spawning, filled up with small mackerel, about three or four inches long, and we take them to be the results of the spawn of that season; and next year we find these mackerel in these waters about six inches long.

Q. What do you call them then?—A. Tinkers. That is the term we give them at this time. And these mackerel are known on the third year to remain principally on the American coast. They are then what they call medium mackerel, and they are about ten inches in length at this period.

Q. What do you call them if packed in barrels?—A. Medium two short two; when they are fat enough we call them middling two. We find that there are seasons when these medium mackerel are scarce on our coasts, while in the northern part of the gulf there is a heavy body of large mackerel at Seven Islands; and from Gaspe Bay up the gulf. In fact, they strike up the whole coast. I have seen them as far as the Straits of Belle Isle, and Belle Isle Island.

Q. You say that you have seen them all along the north coast and, at times, as far as the Strait of Belle Isle?—A. Yes.

Q. It is the haunt of the mackerel as well as the south shore?—A. Yes; but up there we can never get them to take hook. This is the case when they are up on that coast.

By Mr. Dana:

Q. This is off Labrador?—A. Yes.

By Mr. Davies:

Q. You can never get them to take the hook there?—A. No. I have never known mackerel to take the hook off the west end of Anticosti and up the Labrador coast; but up the St. Lawrence, from there to Bic Island, we have always caught large quantities with hooks. They are found on both sides of the gulf.

Q. You say that from the west end of Anticosti Island to Bic is a good fishing-ground?—A. Yes.

Q. With reference to the shore line, will you be kind enough to describe to the Commission—looking at the map and starting from the west end of Anticosti and the Mingan Islands, and proceeding to Seven Islands Bay—how far are they found from the shore?—A. These mackerel are found right into the shore, where the go to feed on lants. The large mackerel follow them. The lants are shaped like a tape-worm. The fish follow the line of the shore.

Q. When you speak of the fish going "right into the shore," what do you mean? I want something definite. How far are they then from the shore?—A. I have gone there and found bodies of mackerel and lants right in the harbor, and there are two or three days, about the fifteenth and sixteenth of July, when this is the case on that coast. I have gone to Seven Islands and laid there and seen the mackerel coming in like a tidal wave from the outside following their bait; they even land right on the shore, and have known them follow the lants on shore, so that you could run up and kick them out. I have observed this several times. Lots of the fish run in with the tide. The water there is very bold with rocks, and the mackerel come up with a rush right against the shore in pursuit of the lants, who will often jump out of the water with the mackerel after them.

Q. How far will they be off from shore? I am speaking particularly with reference to this shore from Mingan Island to Seven Islands Bay, and along there. At what distance from the shore are the mackerel generally taken by the vessels engaged in this fishery?—A. In this port these fish are generally taken right in close to the shore. It is customary in the gulf for vessels to drift mackerel, but in that part of the gulf from Gaspe and the west end of the island of Anticosti up the gulf, the vessels do not lay to, as there is a very strong current outside coming down. It is about a four or five knot current, and as the mackerel pursue the lants, which keep in the eddies, the vessels have to go in to the shore and anchor cross-ways with the tide.

Q. In this locality they fish in a peculiar manner?—A. Yes; there are here no fish outside; they are found inshore.

Q. With reference to yards—the vessels would be about two hundred yards from the shore?—A. A range of boats would even have lines fast to the shore. They would sling the boats in one string.

Q. There is no drift fishing done along this coast?—A. No; and there is no mackerel fishing outside at all. I would say that half a mile or a mile and a half out we would never think of heaving a vessel to. We place the vessel, when fishing, across the tide where it is running. We have to move the vessels close in to the shore.

Q. Comparatively speaking, comparing this part of the shore with the Bay of Gaspe and the Bay of Chaleurs, is it a good fishing ground?—A. It is. It and Seven Islands are considered good fishing places. So is Gaspe and Bay de Chaleurs, and Mingan River, and Fox River, and all these places. The vessels came in looking for large mackerel. These fish are very large and fat on that part of the coast. They are found along the coast up to the 10th of September, and they leave there pretty early. They first make for the shore and stay round the coast and work their way down. These are the big mackerel.

Q. While on that branch of the subject, will you tell us what is the style of fishing on the south side—crossing over from Mingan Island and Seven Islands' Bay to the Bay of Chaleurs, on the other side of the Gulf? Is it the same?—A. No. There we fish altogether while drifting.

Q. Perhaps you will describe it to the Commission?—A. These mackerel go up and around that part of the Gulf, and when the water is beginning to get cold we say that they are about to leave and strike down the coast and to Prince Edward Island waters on their way back. They come up in July and August and keep on in their course up the Gulf until about the 1st of September, when they turn to leave these waters. We follow them round and down. They cross in their passage from headland to headland, making a straight course and striking through bays, staying in certain parts to feed. We strike on what we call the Seven Islands school of mackerel on the south side of the Gulf about Gaspe. Part of them make a straight course down to the Magdalen Islands and across Bank Bradley and Ridges, and they are caught *en route*. These are mostly known to belong to a different body of mackerel from that which strikes the southern coast. They go up in a different course and they come down by a different course, striking near the Magdalen Islands, and being caught about Cape North on their return.

Q. I understand you to say that the Seven Island school strike across the Gaspe—shooting right across?—A. Yes.

Q. I want to ask you whether they remain in the open Gulf, or is their stay merely temporary?—A. They do not stay at Seven Islands, or in the bays on that side of the coast, over ten days or a fortnight. They keep moving along and across. They seem to cross over to the south side and come down in a body. We follow them from harbor to harbor and creek to creek, right along, from Seven Islands as far as Point des Monts, due north. We seldom look for them above Point Demon. They seem to leave fresh water there and turn across.

Q. To the south?—A. To Gaspe, the Bay of Chaleurs, and down these shores.

Q. How do you fish for them there?—A. Altogether by laying to.

Q. Will you describe it?—A. Inshore winds prevail; and we always watch in order to get under the lee of land and to fish drifting; laying to where the vessel drifts slowest. If we get in where it is rough and heavy we will lose a great deal of bait, which is very expensive, and then we cannot catch the fish so fast under these as under the other circumstances. We always try to get under the land as close as possible,

where the water is smooth and mackerel are alongside. We fish along both sides of the Bay of Chaleurs, but the middle part of the bay is not considered fishing-ground of any account.

Q. This is the middle of the Baie de Chaleurs?—A. This portion of it is not considered much of a fishing-ground; but the mackerel play in on both sides of the bay, from Perce along the shore on one side to Paspébiac and Carlton, and Maria, and as far as Campbellton and Heron Island on the other side. We get them along Heron Island.

Q. Heron Island is well up to the head of the bay?—A. Yes; it is opposite Carlton.

Q. How wide is the bay at Heron Island?—A. It is about five miles across over to Carlton.

Q. To Carlton Point?—A. Yes.

Q. And you say that you follow the fish to that point?—A. Yes.

Q. And you get fish up to that?—A. Yes; Heron Island is considered a good fishing-ground.

Q. Then what is it on the south side?—A. From there down to Bathurst is considered good fishing-ground; also near the island between Bathurst and Big Shippegan.

Q. At Big Shippegan? Along that shore from Bathurst down? Where is Bathurst?—A. It is above Caraquette, in a bay.

Q. Is the fishing as good along the south shore as on the north shore?—A. It is considered better on the south side.

Q. And you fish there in the manner you have described?—A. Yes. We fish altogether by laying to. The mackerel play out in the water on the south side of the Bay of Chaleurs and among the flats, and in the rivers which open up on the shore. Many rivers so open up, and here salmon and other fish and herrings spawn. The mackerel play among these shoals in schools.

Q. And leaving the Bay of Chaleurs and coming farther down to Miscou and Shippegan Islands?—A. We fish around this island, straight over from Paspébiac.

Q. Do many rivers enter into the Bay of Chaleurs on the south side, the Bathurst side, and along that coast?—A. Yes.

Q. Give their names.—A. There are Caraquette and Little Caraquette, and Little Shippegan and Big Shippegan. The fish play about these rivers. Big Shippegan cuts Miscou Point right off. Above that is Caraquette Island and Caraquette Harbor. It is a bay. The fish play along the flats outside, and the bays inside. Caraquette Bay is quite a long one.

Q. Are there any rivers above that?—A. There is Bathurst. It is a large river.

Q. And Nipisquit?—A. We call it Bathurst.

Q. And above that?—A. There are one or two rivers, two or three small rivers, but we never take much notice of them. We keep around most of the places I have mentioned, as the mackerel find the lants there—at Shippegan, Little Shippegan, and Caraquette and Paspébiac; the fleet go to these places mostly.

Q. Is the Bay of Chaleurs much frequented by the fleet?—A. Yes; there is hardly a vessel that goes on the trip that does not go there; they reach the Bay of Chaleurs and strike Bank Bradley on the first trip. The vessels enter the bay on their first trip.

Q. It is one of the points you consider it necessary to go to?—A. Yes. There we expect to hear the news of the bay and about other vessels. We get all the news there. We run for Bradley and Point Miscou.

Q. Can you find any reason for your statement that the shores of this bay abound in mackerel, while this is not the case with the center of it?—A. Well, the water is deep in the center of the bay, and there is a pretty strong current. On the south side there is a shoal flat and banks, where are to be found the shrimps and bait, and the mackerel play in them and look after bait for food; and on the north side there are more or less lants and some other small fish. The mackerel during the first part of the season look in for this bait.

Q. In the center of the bay there is a deep and strong current?—A. Yes.

Q. Now, along from Miscou and Shippegan down the west coast of New Brunswick?—A. Along that coast there are many bays and rivers and creeks, and the fish likewise strike in there and pass along the shore. The mackerel come from the north. We follow the bodies of mackerel coming down; we make a business of keeping the run of the schools of mackerel in the Gulf. Most successful fishermen do so. Some do not, but they are not very successful. Men who have the most experience, however, keep the run of these schools, and as long as they do that they are not apt to lose mackerel.

Q. The fish keep in the bays and harbors along here?—A. Yes.

Q. They fish along the east coast of New Brunswick—what you call the west shore?—A. Yes.

Q. How far is it from the shore that you catch the fish?—A. We fish here very often in the spring. When the prevailing winds are from the northwest and west we find that we have to anchor close in to the shore to secure mackerel. This is while the fish are staying in this quarter; but as soon as they haul off the shore, bound north to some point toward home, working down the coast about the 1st of September, when the water commences to get cold, we follow them. They gather in bodies, and move along together, and when they reach a point or headland they seem to make straight across to another headland. Down the Gulf we find large bodies of them coming down the coast near Miscou in September. They fall off shore, bound for the Banks and get here, remaining for some days or a week outside. We secure some good fish there. There are very often from three to four hundred sail in the fleet, and when they lose the fish off shore they look out for them on the Banks, and there is a race to see who will be there first, for the fastest vessel and the first there gets the biggest catch. The fleet does not remain together, but spreads over a very large extent of ground, and if any mackerel are to be found within a limit of four or five or ten miles it is known in a very short time. With a spy-glass we watch to see who first rises mackerel, and when this is discovered we make for the spot at once, and then up come the mackerel. We find them here. When we see the mackerel leaving the shore, bound down the coast to Prince Edward Island, we may get two or three days of fair fishing, and all at once there may be no mackerel to be found playing around there. Some captains then make up their minds to get ahead of the school and strike down to North Cape.

Q. That is on Prince Edward Island?—A. Yes. They sheer off this way, and when they do so perhaps the whole fleet will leave the spot that night. The fleet race after the mackerel, but they do not want to keep together if they can avoid it. The most experienced fishermen want to be ahead of the others, and to do so they will steal off at night. I have run from Miscon, sixty-odd miles, to North Cape without stopping. We would lay about there at night, and next morning we would strike the same school of mackerel—I suppose it would be the same

school. We would beat them there, as they go into these headlands, and they seem to stop and feed in the eddies. We get a big catch of mackerel when we strike into the eddies. Their bent then being to take the bait and hook, we secure big decks of them.

Q. You then strike North Cape?—A. When we lose them there, we come down off Malpeque.

Q. On the north side of the island?—A. Yes; and in the bend of the island. We get some fish there.

Q. This is on the east of the island?—A. Yes; off Prince Edward Island.

Q. Speaking of Prince Edward Island fishing, including North Cape, Cascumpeque, and Rustico, down to East Point, the whole run of the island, will you tell us how far off from the shore are mackerel to be found?—A. Well, in my thirty years' experience of fishing there, I would say that two-thirds of the mackerel caught by the fleet were caught inside the three-mile limit.

Q. In your thirty years' experience, two-thirds of the catch have been obtained inside of the three-mile limit?—A. Yes, fully that. During some seasons you could not get mackerel outside of the three-mile limit or outside of two miles from the shore.

Q. During the whole season?—A. Yes.

Q. Why? Have you formed any reason in your mind accounting for this fact?—A. We came to the conclusion that when mackerel are scarce the big fish come inshore in search of their bait, small shrimps, while the small mackerel are very plentiful outside. When the mother fish are about to spawn, they strike in close to the shore for food, and there we find them. I have followed the business pretty closely, and I find that the fish come down Prince Edward Island. The movements of the schools depend on the prevailing winds. As to their passing down the head of the island to the north and east, a certain body of the fish is very apt to come down through the gulf, but two-thirds of them come to North Cape, as a general thing. If we find a body of mackerel caught together here, the whole fleet comes to this point. I have watched their movements pretty closely. On short trips we have to work pretty hard to make them up. When a heavy gale from the northeast prevails and the mackerel are here, we are sure, after we have an eastward wind, to get close to the shore, and, remaining along the bend of the island, we catch them there on this coast. When the wind is off shore we secure fish for this reason. In the fall of the year it is very stormy, and the fleet cannot fish inshore, while the mackerel seem to settle to the bottom and lay there. On this part of the coast the vessels lay, when fishing, under the lee of the land. We then make down the island and come to Saint Peter's and East Point. Many vessels which make large trips fish altogether at Malpeque.

Q. Staying in at night, you mean?—A. Yes.

Q. They remain in the harbor at night and go out in the morning?—A. Yes; when there is a heavy on-shore wind they remain there, and as soon as it is calm they go out.

Q. They only fish with an off-shore wind?—A. Yes.

Q. That is what you call drift-fishing?—A. Yes.

Q. Do these remarks apply to Cape Breton fishing?—A. Yes.

Q. And they go down the coast to Cape Breton?—A. Yes.

Q. Suppose, captain, you were not allowed to fish inside the three-mile limit at all, what is your opinion of the results that would follow with regard to the catch?—A. From the experience I have had in the

fishing business, I do not think that I would be inclined to fit out a vessel for the mackerel-fishing business at all.

Q. You do not think that you would go into the business at all under those circumstances?—A. No.

Q. What are the names of the masters of the vessels in which you were?—A. The Josephine was in charge of Bob Rogers, of Newburyport, Massachusetts. The Hezron was from Newburyport, and Newman was the master.

Q. What was her catch?—A. Three hundred and ninety barrels.

Q. And in what vessel did you ship the third year—in 1850, I think?—A. In the Fanny. Rogers was her master.

Q. What catch did you make in the Fanny?—A. We made two trips in the bay with her. On the first trip we caught two hundred and sixty barrels, and on the second three hundred and ten or thirty barrels.

Q. You caught some five hundred barrels during both trips?—A. Yes.

Q. What was the name of next vessel in which you were?—A. The next was the Herald.

Q. Do you remember the master's name?—A. I think it was Zeke Evans. This was in 1851.

Q. That was the year of the great American gale?—A. Yes; I was in the Herald that season. She was also owned in Newburyport.

Q. What catch did you make that year?—A. We made but one trip to the bay, and that was in July. We caught four hundred and odd barrels, and we came down the bay about the middle of October. We went out of the bay directly after the gale.

Q. A great many vessels were lost that year?—A. Yes; in fact it almost destroyed the fishing season; but still a large quantity of mackerel was caught after most of the vessels left for home.

Q. How many did you catch?—A. About four hundred barrels. I could not give the amount exactly.

Q. What was the name of your next vessel, captain?—A. In 1852 I was in the Rio del Norte. We made one trip on the American coast. We then left that coast and came down the Gulf of the St. Lawrence.

Q. And who was her captain?—A. Andrew Leighton, of Gloucester.

Q. A very experienced fisherman?—A. Yes.

Q. You came down to the bay to fish?—A. We went out on the American coast. The vessel was of rather small size; she was about sixty tons, I think, and this is the reason why we went out on the American coast. We found the fish to be very small, though there were a great many in that quarter. In about four weeks we caught one hundred and ten barrels, and having landed them, we had repairs made, and, fitting out, came down the bay, where most of the fleet was. We fished between Port Hood and Cheticamp. We made all our trip there, and were about fourteen or fifteen days on that part of the coast. When we first came to Port Hood we found a cutter in the bay. A large fleet was there, but we did not mind the cutter or anything else. The captain says, "I am going to have mackerel," and we got them, anyhow; and we succeeded. In a fortnight we had caught two hundred and thirty or forty barrels. We saw the cutter for a few days several times, and we kept out of Port Hood harbor. It seemed to be in the harbor of Port Hood almost every night. We anchored under Margaret Island and Cheticamp, and made that a harbor. We lay under the lee of these places. We caught the fish all inshore. There were no mackerel outside the three-mile limit. I would say that five hundred barrels of mackerel were not caught by the whole fleet outside. There were not five hundred barrels so caught.

Q. Outside the three-mile limit?—A. Outside two miles.

Q. That was in the year 1852?—A. Yes. The big mackerel struck into the shore, though there were many small mackerel outside, but nothing save small mackerel, about seven inches in length. We heaved to, and we kept out of the way of the cutter. When we threw bait and there was oil about the vessel, the mackerel followed her outside. There were schools of small mackerel in this part, but of big mackerel we could not get one outside. In order to catch any fish we had to get inshore against the bank, very close to Cape Breton. We had to watch our chance to get in when the cutter was out of the way, in order to catch our mackerel. We crossed to the island. We made 230 barrels. In 1852 we got shipwrecked running ashore at Souris. Our main object was to charter a British vessel and put some of our experienced fishermen on her, so as to fish without any fear of the cutters.

Q. You had suffered interference from the cutters?—A. Yes. The idea of a cutter chasing around after you was not pleasant. We had to keep out of the way of the cutter sometimes when she came along.

Q. Did you get an English vessel?—A. No; there was no vessel for the purpose.

Q. And you continued fishing in an American vessel?—A. In the attempt we got shipwrecked at Souris, and the vessel ran ashore. We finished our trip there. Twenty-two vessels were shipwrecked there.

Q. How many barrels did you catch?—A. Two hundred odd barrels.

Q. Did that end the season?—A. Yes.

Q. What vessel did you go in next season?—A. I went in a vessel which was wrecked in 1851; in 1853 I took charge of her. She was owned in Prince Edward Island. Her name is Moutana.

Q. That was the first year you were captain?—A. Yes; in 1853.

Q. Where did you fish?—A. From Baie de Chaleurs up to Gaspe, crossing to the Magdalen Islands once or twice.

Q. What was the result of the fishing?—A. Something like 140 barrels caught on one trip. Mackerel was scarce that year on the coast of the island. There were plenty of small mackerel; there were big fish up at Gaspe, but we got there a little too late; some vessels had got big catches.

Q. On what vessel did you go next year?—A. Next year I went on the schooner Ellen, of Newburyport, Israel Morrill, captain.

Q. In what capacity did you go?—A. As sharesman. They generally hire the crew and put in a competent man to direct.

Q. Had you a good season on her?—A. We made one trip, and we landed something like 340 barrels.

Q. On what vessel were you next year?—A. Next year I went in the Morning Star, of North Haven, Me.; James Brophy, captain.

Q. How many trips did you make?—A. Two trips.

Q. What was the catch?—A. I shipped with him at Canso, where I was. We landed from the first trip 250 barrels at Canso; refitted, and went to the bay; we took in 310 barrels on the second trip. The catch on the first trip was forwarded on from Canso; it enabled us to make a second trip. We were too late to get up home and come down again, and so landed the catch there. Next year I went on the Julia Franklin, of Georgetown, Me.; Frank Lowe, captain.

Q. How many trips did you make in her?—A. Two trips.

Q. With what result?—A. On our first trip we came down and got our trip over in ten days. In twenty-four days we were back at Gloucester with 360 barrels.

Q. Where were they taken?—A. Some at North Cape, but the principal part during the first trip were caught on Bauk Orphau.

Q. That is off the mouth of Bay of Chaleur?—A. Yes.

Q. And on the second trip?—A. We got them coming down in the bend of the island, close in off St. Peter's.

Q. How many?—A. Three hundred and ten or three hundred and thirty barrels.

Q. Did you go more than one season in that vessel?—A. No, I think not.

Q. Do you remember any other American fishing-vessel in which you sailed after that?—A. No. I went in several other vessels some short trips, between the times, but I did not keep any account of them. They were sometimes for a week or ten days.

Q. You were in other vessels?—A. Yes, in several other vessels; but I do not recollect their names. Sometimes a vessel would come in and we would go out and try a week or two, and use up the fittings. I made several such trips, but I kept no record of them. After the Joseph Franklin, I went on the schooner Emma. I went from that time on in British vessels. I went in the Josephine.

By Mr. Foster:

Q. Was the Emma an American vessel?—A. She was a British vessel. I made a very short trip in her.

By Mr. Davies:

Q. The Josephine was an island vessel?—A. Yes.

Q. You have been in the fishing business ever since then?—A. Yes, in my own vessel.

Q. Every year?—A. Yes.

Q. Following the mackerel?—A. Yes.

Q. You are now engaged in the business?—A. Yes; I am now so engaged.

Q. Taking before the time when you took charge of a British vessel, tell me with respect to the American fishing-fleet frequenting the bay—what number of vessels it was.—A. The fleet of American fishermen would average, as far as I can tell, from about 1848 to 1873, about four hundred vessels; some years more than others.

Q. Why do you draw the line at 1873; has there been any difference since then?—A. The price of mackerel has been very low on account of the depression in trade. The Americans have a new way of taking mackerel with a seine off the coast. Thus mackerel have been met off Cape Cod and taken there in large quantities, and has prevented, more or less, the body of mackerel striking down to the gulf. The fleet would not average since 1873 over 200 vessels in the gulf.

Q. Speaking still with reference to the fleet, had you sufficient experience to enable you to tell the Commission under oath whether other vessels fished as well as the particular vessel on which you were?—A. We fished in the body of the fleet; sometimes there would be 300 vessels in one fleet.

Q. With regard to the three-mile limit; did the American fishermen before 1854 keep outside or not?—A. They fished inshore.

Q. Was that the general rule?—A. Yes. When mackerel struck a bank, they fished considerably there and followed the fish inshore.

Q. Do you remember any of the American fishing-vessels being captured?—A. I do.

Q. Did that make any difference with the others?—A. There was the

Rio del Norte in 1852; I was fishing inside when another vessel was taken, and the whole fleet of 50 sail was fishing close inshore. There was a vessel called the Triumph lying with us inside Margeriee Island, in Broad Cove, on the north coast of Cape Breton. We always took her to be an English vessel, for she did not mind the cutter, and we kept a sharp eye on her. We lay alongside of the vessel catching mackerel fast. We saw a boat coming from the island toward us.

Q. How far is the island off the shore?—A. About five miles; it would be six miles to Broad Cove, but it is not direct. We saw a boat coming, but did not notice anybody in it. We fished away, and when the boat came alongside twelve men appeared. Some of the vessels squared round a bit. The captain of the vessel which was lying close by said, "I am not going to move; I defy them. I am not going to lose the ground." The captain of the cutter saw there were enough men to handle his one vessel, and he put sail on it and went away. The cutters were not very hard as to keeping American fishing-vessels from the coast, except those whose crews gave a good deal of impudence and did not put themselves out of the way. Some were pretty brave and would not go away; but others, when they saw the cutter, hauled their jibs and moved off, and when the cutter had passed, they hauled their jibs and moved in. Anyway, to a large fleet there would not be more than one or two cutters. In stormy weather we would lie under the lee of the island, and the cutter would make for Georgetown or Port Hood, thirty or forty miles away. It would take them three or four days to return to the fishing-grounds, for they would perhaps be becalmed part of the time. We looked after getting all the fish we possibly could, cutters or no cutters.

Q. Since the reciprocity treaty has been at an end, what has been the custom with regard to fishing, on the part of Americans, since 1866?—A. In 1867 cutters were put on the coast for the Dominion, but they did not interfere with us on the island.

Q. Did American fishermen cease fishing within the three-mile limit after that?—A. No; they went fishing wherever they found mackerel. They mostly found the mackerel inside.

Q. Had they licenses?—A. Some had licenses and some had not. Some would not have licenses.

Q. Those who had not licenses, did they keep outside?—A. No; I fished in a British vessel, and as I found more mackerel inside the three-mile limit, I fished there. I was a pretty successful fisherman; and when I went inside the limit I found the whole fleet there. So much was this the case that I almost gave up the idea of fishing at all, for we had no more privileges than the American fishermen, while we were compelled to pay a duty of \$2 per barrel on fish sent into the United States. I know almost all the skippers, and talked the matter over with them several times. I felt it was a hard thing that while they could fish where they pleased, we, after fitting an expensive vessel and feeding from eighteen to twenty-five men, were compelled to pay a duty of \$2 per barrel, though they took the mackerel inside the limit and fished alongside of us.

Q. Supposing they had to keep outside the three-mile limit, would you object to the \$2 per barrel duty?—A. No.

Q. Why?—A. I consider that if the American fishing-fleet had been kept entirely off the coast, it would have caused the mackerel to have been kept at a higher price in the market, for the fish are wanted. There is a certain supply required. The fewer mackerel in the market, the higher is the price. If they were not captured by the American fish-

ing fleet they would be captured by the British fishing fleet, and the price would be so much higher that it would be equal or more than equal, over and above the sum of the duties paid. The price would rise in proportion, and the British fleet would get more mackerel. The American fishermen might make occasionally a catch on the banks, but it would be a wild-goose chase. I have had a good deal of money in the business, and I would decline to fit up a vessel to fish outside of the three-mile limit.

Q. You have had a good deal of intercourse with American captains and fishermen; what is their opinion on that point?—A. I have often talked the matter over with them. We often lie together in a large fleet, sometimes in harbors, waiting to get out, sometimes on the banks, and I have talked the matter over with them. Somebody would say there would be a big catch of mackerel to-morrow, or that they had lost the mackerel somewhere. They thought it very hard that they should not be allowed to fish within the three-mile limit. If the cutters were there, they would say, "We must steal our chance to get in, so as not to get our vessel taken." Some of the skippers, or rather a great many, own a part of their vessels, and they found it was very risky for them to run the chance of losing the vessel, and so they felt it hard to fish inside the three-mile limit.

Q. Was it their opinion that if they could not get inside, they could not get the mackerel?—A. Yes, that was their opinion. In October the mackerel are caught inside the three miles, and unless they were allowed to fish there the trips would be a failure.

Q. Did you ever know any fisherman hold a contrary opinion?—A. No; I never heard any argument to show that a trip would be as successful outside as inside. I have not heard any argument of that kind in favor of fishing outside altogether, although there have been many trips outside in deep water. A school of mackerel going from one bank to another would cross deep water. As a business, there is no man who would say, "I will fit my vessel and will keep clear of the three-mile limit; I am sure of getting successful trips." They could not do it, and I have had experience, having fished all over the grounds for thirty-three years. If I were excluded from the three-mile limit, I would not fit up a vessel for the mackerel-fishing in the gulf.

Q. What is the opinion of American fishermen of the value of these fisheries; have you ever heard them express an opinion?—A. Yes, I have talked it over. In 1848 there was a great California fever among the fishermen of the United States, and California was a great deal talked about. Many thought there was no place like California, and it was talked about on board the vessels and in the boarding-houses. The conclusion come to by some was that gulf fishing was equal to the California gold-diggings. In 1853 I shipped in Boston on the ship Milwaukee. She was bound to California, and hearing so much of the California fever (I was young at the time, and anxious to make a few dollars), I was persuaded to ship in her. I agreed to do so; I did not, however, sign articles. I was afterward persuaded that the bay fishing was as sure as California, and so I took to bay fishing. After a few years it turned out so, for I know that several of my shipmates who went out there, in a year or two came back. I find that I have been making money at the fishing business.

Q. Where do you principally fish?—A. At the Magdalen Islands and round the coast of Prince Edward Island.

Q. With regard to the fishing round Prince Edward Island, did the inhabitants fish much in 1848, 1850, 1852, and 1854?—A. No.

Q. What is the state of things now?—A. The whole matter is entirely different.

Q. Will you explain to the Commission how that is?—A. The coast of the island, wherever there is mackerel or fish, is now taken up. In 1848 Souris was the only fishing-place on the island, and there cod and hake were caught in abundance. There was a great deal of mackerel, but the business was not studied much. As the men went from the island and met with fishermen of the United States, they began to find that the mackerel business was the most important, that there was money in it, and they went into the business. Now wherever there is a farm abutting on the coast there is a fishery. From East Point to Souris, where in 1848 there was not one fishery, there is not now a farmer who has not a fishery. They are doing a big business in cod and mackerel fishing.

Q. How many boats go out from Souris Harbor alone?—A. Out of Souris Bay there will now go as many as 60 boats. From Sheepon, something like 20 boats. I counted about that number two or three days ago. Rollo Bay would give 20 boats; Bay Fortune, 20 boats. At Grand River and Lanchon there is a great deal of fishing carried on, and they send out upward of 150 boats. Cardigan Bay and Georgetown do not have many boats, not more than 25 or 30. Murray Harbor sends out a large number of boats, but they follow principally the cod and hake fishing; they do not follow the mackerel. They have 80 boats. They put up cod and hake for the western markets. The fishermen are inclined to follow the mackerel fishing, but their business does not follow that way. From Point Prim to Bear Cape there are 60 boats.

Q. That takes you round to Charlottetown?—A. Yes.

Q. Starting from Souris, what is the first harbor on the north side?—A. St. Peter's. All along the shore from East Point to St. Peter's there are, I should say, 100 boats.

Q. Including St. Peter's Harbor?—A. Yes. At Tracadie there is a large fleet, but I could not say exactly how many; to the best of my knowledge, 60 boats.

Q. At Rustico how many?—A. When I was there, about 200 boats between Little Rustico and Grand Rustico. There are two harbors at that point.

Q. And at New London?—A. There are 50, and there are 80 between the cape there and New London.

Q. At Malpeque how many?—A. It has not many.

Q. At Tignish—how many?—A. It is pretty hard to keep the run of them; boats swarm all along the coast. I suppose at Tignish there are 1,000 men employed each season fishing. In 1848, at Tignish and along these parts, there were very few boats.

Q. Now, fishing is being carried on all round the coast?—A. Yes. Every farmer along the coast carries on fishing. The fishing season seems to set in between the putting in and taking up of the crops, and makes it a very profitable business.

Q. Where do these hundreds or thousands of boats fishing along the shore get their mackerel?—A. All inside of the three-mile limit. Two-thirds of the mackerel are caught within one mile and a half of the shore, all along the coast.

Q. Where is the cod and hake fishing in Prince Edward Island?—A. All round the north side of the island.

Q. How far out from shore?—A. The cod fishing along from Tignish to Georgetown is inshore; but at Murray Harbor they fish out on a little bank at some seasons of the year.

Q. You have spoken about the cod, hake, and mackerel fisheries—have you any herring fishery along the coast?—A. Yes.

Q. To any extent?—A. Not to a very large extent; we have always enough for bait for our cod and mackerel fishing.

Q. Where are the herring taken, how far out from the shore?—A. From half a mile to a mile.

Q. Do all the fishing establishments on the island get sufficient bait from the catch of these herrings?—A. They do for the cod fishing. Sometimes for the mackerel fishing, they get two or three cargoes from the Magdalen Islands. They use a great deal of herring-bait. Some years they send a vessel down to the Magdalen Islands in case they should not secure enough inshore, and get a cargo or two to back up their supply.

Q. Have the Americans fished at the Magdalen Islands much for bait of late years?—A. Yes.

Q. How far are the herring off shore?—A. They are right on shore; they spawn there. A very heavy body of herring strikes in there. The fishermen have a seine 150 fathoms long; they heave it out and haul it ashore; they use a boat and get out the fish.

Q. Have many herring been taken there?—A. Large quantities. One year, when I was seining, I filled 7,800 barrels, using one seine, and loaded seven vessels besides, in all containing 2,700 barrels. I was down there a fortnight.

Q. That was a fortnight's work?—A. Yes. Up to last year, a man could go there and fill a seine any night, by throwing it over.

Q. Have the Americans frequented there?—A. They have taken a great deal of fish from there. I have known, in the spring of some years, 500 sail have been there.

Q. What proportion would be American vessels?—A. One hundred sail would be the average for the last twenty years.

Q. Did they each get a catch?—A. They always got a catch. Up to two or three years ago, a large number of vessels laid outside, some coming in for bait. From Gloucester vessels have come and fished for bait, and from their lying in the body of the fish, using so many seines, and there being so much traffic in the bay, which is only nine miles across, the fish have been disturbed, and the herring fishing is not so accessible as before. Of late they have got the herrings outside, taking them with the purse-seine. They use these seines outside in the middle of the bay, and prevent the fish coming in to spawn. This year has been a total failure; there were 300 vessels there for herring. There has been quite a business in filling barrels on board for Norway. The herring fishery has been a failure this year on account of the use of purse-seines.

WEDNESDAY, August 1, 1877.

The conference met at noon.

The evidence of Captain CHIVARIE was resumed.

By Mr. Davies:

Question. I understood you to say yesterday, Captain Chivarie, that during the last four years the American fleets have not come to the bay in such large numbers as formerly?—Answer. No; they have not.

Q. What would be the average number of vessels in the American fleet during the past two years?—A. During the last two years I would say that the average would not amount to over two hundred vessels; and taking the past four years in succession, it would not be over three hundred. It would be from four hundred to four hundred and fifty during

the past two years, but the general average for the four years would be about three hundred.

Q. How do you account for the falling off in the number of the fleet during the last two or three years?—A. They have adopted a new way of catching fish on the American shore. It is termed purse seining. The fish have not taken the hook very well on this coast, and the small mackerel are fat, so they began to use the purse seine. It is composed of large nets, and used in deep water. Where these are employed the men catch a large quantity of fish. During the past three and four years they have thus fished to a great extent on the American coast.

Q. What has been the effect of this practice?—A. Judging from the course which the fish generally take, we have come to the conclusion that the effect has been to sheer the fish off the coast; and during the last two years it has stopped a large body of the fish from coming to our gulf, it has barred them off to such a large extent.

Q. What is the extent of these nets?—A. These seines contain from six to eight hundred nets, and are from one hundred and fifty to two hundred and fifty fathoms long. I suppose they have barred the passage of the fish off the headlands for a distance of fully thirty miles. The nets are usually set about the coast.

Q. In your opinion that is one cause of the decrease?—A. It has this year sheered the fish off that coast. Their usual course is to strike down for our gulf. I think that if these seines had not been used on the American coast during the last two years, we would have caught as much fish in our waters as was the case for the average of previous years.

Q. What is the character of the fish you have caught in the gulf during these last two or three years?—A. They were large.

Q. Larger than has been the case in ordinary years?—A. No, not larger, but they were large.

Q. That has been the peculiarity of these two years?—A. Yes; but during the two years previous we largely caught what we call small Twos. These fish grow pretty fast, and what are called small Twos during the first part of the season are called Ones in the fall.

Q. Coming down to percentage, captain, has the season advanced far enough to enable you to form an opinion as to what the fishing will be this year?—A. O, yes.

Q. Then perhaps you can describe to the Commission what the indications are?—A. We generally form our opinion of the fisheries on the first of July, or about the fourth of July, about the time when the American fishermen fit out to come to the bay. If we have reports from the bay that the mackerel are there, a big fleet always fits out and comes in. About the first or fourth of July, we know whether the mackerel will strike the bay in big bodies, or not; and this season a large body of fish has struck down in the bay, and the waters are full of them.

Q. Our waters are full of mackerel?—A. Yes, I have seen them all around the coast of the island, and down the Strait of Canso. I was down there in a schooner about two or three weeks ago, and I found them there. The mackerel were coming down the gulf in large bodies. I saw them around the coast of Prince Edward Island.

Q. Have many been taken?—A. Yes, quite a number. They have been caught around the back part of the island, and all along the coast. Some have also been taken by American fishermen.

Q. The American fishermen are there?—A. Yes; they are on the coast of Prince Edward Island.

Q. Have you seen them there yourself?—A. Yes.

Q. With the new, large seines?—A. Yes.

Q. Have they met with success?—A. They have. I saw them a fortnight ago. They have seined at points, and the mackerel being plenty they have obtained large catches—from one hundred and fifty to two hundred barrels—with a set of nets; they have found the mackerel school where they have arrived.

Q. What catches have they made?—A. Up to two hundred barrels a catch.

Q. You mean in the one seine?—A. Yes.

Q. Can you give the Commission an idea of the proportion of the fleet that has arrived in the bay? When did you leave that quarter?—A. Last Friday. I saw the vessels coming up the Strait of Canso. East and nor'ard winds prevailed, and it was rough, and they followed the south shore, coming to anchor there. I counted fourteen vessels with seines in the fleet.

Q. You know these men?—A. Yes.

Q. Were you in conversation with them?—A. Yes; I am well acquainted with the men belonging to the major part of the fleet.

Q. Did you find out how many of the fleet have arrived in the Gulf of the St. Lawrence?—A. On the way down, and in the bay, there are something like four hundred vessels. They are coming every day and every hour.

Q. What is the number of fishermen it is expected that the fleet will aggregate this year?—A. They are of opinion that there will be no fishing this year of any consequence on the American coast, and the whole fleet will be down. It will number about nine hundred sail. I think that there will be as many as four hundred seines among them.

Q. And you say that some of them have taken something like two hundred barrels of fish at one throw?—A. Yes; as many as one thousand barrels are very often taken in this way.

Q. Just describe a seine to the Commission, captain, give its size, length, &c.—A. The seines are made of very light cotton twine, and are from 18 to 24 fathoms deep. They are made large and deep, so as to take in all the fish they come across. They are from one hundred to two hundred and fifty fathoms in length. They are placed so as to surround the schools of fish. A school is round in shape like this table. The seines may be of any depth.

Q. They come together around the school?—A. They are so placed as not to show on the top of the water.

Q. They lay large seines around the schools, not disturbing at the time the mackerel on the top of the water?—A. Yes, the nets are sunk, and a draw line, called a purse line, brings them together underneath; thus they inclose a large body of fish.

Q. The net comes together?—A. Yes. The fishermen haul up the seine and have the whole thing closed, until the fish are dry. They dry the fish in order to assist in barreling them. The fish are then placed in small boats, and taken on board the vessel, where they are dressed.

Q. What has been, in your experience as a fisherman, the effect of this style of fishing?—A. In my experience, all along the coast, the effect of seining cod and herring has been to keep them off shore and to destroy a great many fish which are of no use at the time of catching. Besides destroying a great many of such fish, seining has been the means of frightening and keeping the fishing off our coast, where they are mostly found in shoal water. In addition to mackerel, it has destroyed on our coast many herring which mix with the schools. These herring the Americans do not preserve.

Q. Are they utterly lost?—A. Yes. Herring show up on the water like mackerel, and the vessels heave them up in their seines; but when they come to dry them, finding that the fish caught are herring, they let them go. The fish are almost smothered; one-half are dead and drop to the bottom, though some may live a short time. These fishermen do not put up any of these fish, though they haul in heavy schools of them.

Q. Do they take any other small fish mixed up with mackerel besides herring?—A. O, yes; though there may be nothing but herring in a school of mackerel composed of small and large fish.

Q. What do they do with the small mackerel?—A. They let these fish go. When drying up the seines they tip out the big mackerel, and if there are any small ones which it does not pay to put up, they are heaved overboard.

Q. They are lost?—A. Yes.

Q. And destroyed?—A. They are destroyed altogether.

Q. For how many years has this mode of fishing been in operation on the American coast?—A. For about seven years. It is not more than five years since the seines have been used in large numbers.

Q. Is there any general opinion as to the effect of this style of fishing during these seven years?—A. I have talked the matter over with skippers of the United States down here on several occasions, and they were strongly of opinion that its effect would be to destroy the fisheries altogether. I have been acquainted with these men during the last twenty or thirty years. I nearly always accompanied them to the grounds. I think they have told me that they have tried to stop this seining; that a certain part of the fishermen of the different States have done so; and that meetings to this end had been held; but the objection raised to it was, that owing to the number of seines owned and the great amount of money expended on them, they could not afford to do so.

Q. What would one of these seines cost?—A. From one thousand to fifteen hundred dollars.

Q. Fishermen believe, I understand, that this seining will utterly destroy the fisheries?—A. That is the general opinion.

Q. Do you coincide with that view?—A. Yes; I do. From my experience of thirty years in cod seining and herring seining I would judge so. I have also been mackerel seining during some years on the bay and on the coast of the Labrador; but we have now given it up, as we found that the fish decreased in numbers in consequence of the practice. Some years we used the hook and line altogether, and we had successful catches. There are large fisheries on the Labrador coast frequented a great deal by the Jersey people, who use the hook and line altogether. I was there about the first year when seines were used, and the Nova Scotians and island people and Americans who pursued this mode of fishing found that the employment of seines led to the disappearance of the fish. We used them for ten or fifteen years, and, discovering that the fish did not strike inshore, while the bait kept off the coast, we had to wind up the fishery.

Q. This was owing to seining?—A. Yes; we found that it ruined the fisheries.

Q. You have proved this from your own experience?—A. Yes.

Q. After abandoning the seine have these fisheries revived?—A. They have in some places. We then found much more fish on the shore. I think that the American people themselves have altogether wound up their codfishing on the Labrador shore. Few vessels now go in there at all.

Q. Do I understand you to say that the mackerel around the shore of the Bay of the St. Lawrence school in shoal waters?—A. Yes.

Q. Supposing that the seining system were introduced by the American fleet in the shoal waters of the bay, what would be the effect on the bait and fish?—A. It would mean the ruin of our bay fisheries, in my opinion. It would destroy our mackerel fisheries *in toto*.

Q. During the last two or three years, has the mackerel catch on the island decreased? Has the local catch increased or decreased?—A. I do not know that it has decreased. I think that during the past year there was not as many mackerel caught on these shores as was the case during the three years previous, although in some parts of the bay, in the northern portion, the mackerel have been very plentiful.

Q. And three years previously, was the local fishing then good or bad?—A. Two years ago the bay was full of mackerel, and there was any amount of fish on our coast; this was in 1874.

Q. That, I believe, was an excellent year?—A. Yes; there was any amount of fish. In 1875 they were not so plentiful, but there were very many of them on the island coast. At the Magdalen Islands, however, they were more plentiful than during the year previous; and more mackerel were then caught there than had been the case since fishing began there.

Q. Is there any peculiarity connected with the Magdalen Islands fishery which prevents successful fishing being carried on there?—A. These purse seines have also been used there.

Q. I allude to winds?—A. It is a very blowy country. They are small islands in the middle of the gulf, and mountainous. Vessels fish there in small fleets; some hardy fishermen remain there, but the best vessels only visit it during parts of the year. Others do not care to fish there at all; it is too blowy there, particularly in the month of September; and the vessels have to lay around the island in shelter for a week or ten days waiting for an opportunity to take fish. Some good catches are made there during the early part of the season, and a small portion of the fleet remains there along until about the 10th of October. Hardly any vessels visit there after that date.

Q. This is on account of the heavy winds that prevail there?—A. Yes. Besides, there are no harbors, and the vessels have to lay around these islands.

Q. One word about the codfishing, captain; where is that fishery carried on by British and American vessels?—A. The principal codfisheries are carried on in the gulf, on the Labrador shore, off the coast of New Foundland, and on Banks Bradley and Orphan, near Prince Edward Island, and in fact in all parts of the gulf by British fishermen and by Americans also. They fish for cod besides on the Grand Banks and West Banks and off the coast of Nova Scotia around Sable Island and in all parts of these regions. The cod along the western shore are principally taken on the Grand Banks and the Western Banks of Nova Scotia.

Q. Is there much codfishing within three miles of the shores of these islands and of Prince Edward Island, Nova Scotia, and New Brunswick?—A. There is not much done there by vessels. They come to the bay, but do not fish for cod on the shore; they do so on the banks and bait altogether on shore.

Q. Where do the fishermen get their bait?—A. In the harbors and creeks and along the shores of Newfoundland and of the Magdalen Islands, and in the creeks of Nova Scotia. They procure bait on the northern and southern parts of Newfoundland.

Q. If they could not thus get bait how could they carry the fisheries on?—A. I do not see how they could carry on the bank fishing at all unless they could secure bait here.

Q. What bait do they use?—A. Herrings and mackerel, but herrings principally.

Q. And the herrings are taken where?—A. About Newfoundland, Nova Scotia, and the Magdalen Islands. They are chiefly taken with seines on shore and brought up by the American fishermen, who also come in to procure ice to keep a quantity of the bait. They want to strike on the coast here and look into the harbors for bait; and if they do not obtain it in Nova Scotia, they come down on their first trip in the spring to the Magdalen Islands and get it there. Then they are off for the banks off Cape North. The fleet of fishermen fish altogether.

Q. I understand that they also obtain ice on these shores?—A. Yes.

Q. Is that requisite?—A. Yes; it keeps the bait fresh.

Q. Is that desirable?—A. O, yes. They cannot effectually carry on fishing operations unless the bait is fresh.

Q. Therefore ice is a necessity?—A. Yes, and bait also. You cannot catch fish without bait. Then they go around the coast of Newfoundland and soon use up a certain portion of their fresh herring. The bait keeps fresh about three weeks; and when they find it is soft, they fill up again with bait off the coast of Newfoundland. They get what they will want before they finish their trips.

Q. Will you tell the number of vessels in the fleet engaged in these operations?—A. There is a large fleet. I would say there would be as many as four hundred sail.

Q. Does that number embrace the bank fleet and the whole of the vessels?—A. Yes; it would be fully that number. There are also vessels following the mackerel-fishing, which make one trip for cod and another for mackerel. Sometimes they find that there is more money in codfishing; the markets for cod may be high and for mackerel low; and they may go for cod one trip. This is during the first part of the season; and when at a later period they find mackerel fat and more valuable, they seek these fish. There is a great difference between the catches of mackerel between the first and latter parts of the season, when they become fat and valuable. This happens about October. They are more looked after then. The difference between the first and latter catches of mackerel is something like from six to eight dollars per barrel on the average. These fish are generally packed in different numbers; there are threes, twos, and ones, and medium threes and medium twos. The small fish do not bring so much as the threes and twos, and the ones command the biggest prices.

Q. What are the benefits which, in your opinion, the Americans derive from the right of transshipping fish from the Gut of Canso and Prince Edward Island?—A. We always come to the conclusion that to land the proceeds of one trip would give us a fair opportunity for making a third trip. I would say that it would about make the difference of one trip during the season. We generally come up and land the first trip. As a general thing it is very seldom that a third trip is made by going to the United States. We land the second trip and go into these places to refit. We very often land two trips; and vessels have landed as many as four during a season by remaining down here and shipping.

Q. The fleet when the vessels come down passes through the gulf?—A. The majority of them do.

Q. In coming through the gulf the fishermen are required to report themselves; thus would the officials at the Gut of Canso have knowl-

edge of all the vessels passing through?—A. O, no. Many pass through unperceived during the night-time. In former years, when a tax of sixpence a ton on the tonnage of each vessel—I think that was the amount levied—the fishermen generally made it a point to run clear through without paying the duties if this were possible.

Q. So that the official record of arrivals might not be correct?—A. A number of vessels ran through and were never stopped at all, taking advantage of a north wind. I do not think that in my several years' experience on the Julia Franklin and Morning Star, I paid the duties more than twice. It is considered rather a smart thing to go in and come out and have no such expenses.

Q. Do you mean that the Commission should draw from your statement the inference that a very considerable portion of the fleet did this? —A. O, yes. I would say that during these years one-third if not one-half of the vessels did not pay their light dues.

Q. To what years do you refer?—A. The years from 1848 to 1864. The cutters would be after them, and when closely chased they would have to pay, especially on the island. But up to the year when light dues were levied on vessels by the island government, once through the Gut of Canso, they had no other place to call at here, and they paid no one.

Q. The years in question extended from 1848 to 1864?—A. Yes. The vessels were always boarded by the island people in these harbors; and generally at these times they landed a good deal at the Gut when passing through.

Q. How did you come to pay twice when on the Julia Franklin and Morning Star?—A. We landed at the Gut, and of course had to report.

Q. You were under the necessity of paying light dues when you landed cargoes?—A. Yes.

Q. And if you did not land cargoes you considered it a clever thing to get through without paying?—A. O, yes. There were very honorable men among them, however, and many skippers would not make it a point, as a rule, to evade payment. If they saw a boat coming for them they had to heave-to and wait. On the whole, nevertheless, fully one-third of the vessels during these years would not pay light dues.

Q. If they were not boarded, of course they did not pay?—A. No. Often a current of three or four knots an hour would be running at the time, and the officials had no means of finding these vessels, which would run through with the tide. It sometimes run at the rate of eight, nine, or ten knots an hour. A vessel would be by before the officials could reach her.

Q. At what would you place the average catch of the American fleet during the last three years in our waters?—A. During the last two years I do not think that the catches have averaged over 250 barrels, but in the previous year, 1874, there were some large catches. During that year the average would be more.

By Mr. Foster:

Q. The average of 250 is for each vessel?—A. Yes.

By Mr. Davies:

Q. What would it be for the previous year?—A. The average would be about 350 barrels.

Q. Where were these fish taken?—A. Mostly about the coast of Prince Edward Island.

Q. All inside of the three-mile limit?—A. Mostly inside.

Q. What would be the proportion caught inside?—A. Fully two-thirds.

Q. Give me the average catch, if you can, captain, for any number of years previous to these last three that you like to take.—A. I would say, judging from my experience, that the average from 1848 up to the last two years would amount to something like 450 barrels a vessel. During some years the fleet would average, I should say, 700 barrels. Other years the average would be lower, and the general average I would put down at about 400 barrels. Of course some vessels are small and go for only one trip; others again make two or three trips. This brings the average down. I have known some vessels take as many as 1,520 barrels in one season. Several during that season landed from 1,100 to 1,200 barrels; the general average was something like 700. This is about seven years ago.

By Mr. Foster:

Q. What year was that?—A. It was seven years ago.

By Mr. Davies:

Q. How many barrels did they average that year?—A. Fully 700 barrels. The catches were very large. I think they were about the largest that have been made in the bay, and for single vessels this was the case.

Q. I want you to give the Commission your opinion as to the prospects for this year?—A. I think there is a big body of mackerel off the coast. I have a vessel out. They struck the American coast last year, and I think they will be down here this season. The fish struck down out here the first thing, and my vessel so far has done very well. I find that the mackerel are as plentiful this year as they were ever known to be down here, and my impression is that there will be a very large catch this season.

Q. What, in your opinion, would be the general effect of excluding the American fishermen from the privilege of fishing within three miles of our shores?—A. They fit out their vessels in an expensive way, and I should judge that they would discontinue fitting out vessels for our bay altogether, under such circumstances. I do not think that they could then carry on fishing operations on our coast at all.

Q. What would be the effect, judging from your knowledge of the men engaged on these vessels? What would be the result? When you speak of the bay you mean the Gulf of Saint Lawrence?—A. Yes. That is the term used by the fishermen in referring to the bay.

Q. What class of men are the sailors and fishermen employed among the Americans?—A. I would say that for the last fifteen years two-thirds of them have been foreigners.

Q. What do you mean by the term "foreigners"?—A. That they are Nova Scotians, and that they come pretty much from all parts of the world. Their fishermen are picked pretty much out of all nations.

Q. If the Americans were excluded from our fishing privileges, what do you think these men would do?—A. They would return to their native homes and carry on fishing there.

Q. Have many of them come back?—A. O, yes. We have a number of island men who have returned. A large number have done so. A great many come home for the winter and go back to the States in the spring; but during the past two years many of this class have come down to remain. This year I do not know of more than a dozen out of three hundred in my neighborhood who have gone back. They get boats and fish along the coast, because they find there is more money to

be secured by this plan of operations. The fisheries being better, the general impression is that they are all making towards home to fish on their own coast.

Q. During your thirty years' experience, have you known of any of our vessels frequenting the American coast for fishing purposes?—A. I never knew of any British vessel fishing on the American coast.

Q. And why?—A. We never think of fitting out vessels to go to the American coast, since we have such good fisheries down here. Ours are far superior to theirs. We have better fish and more of them at home than they have. Ours are surer. We would never think at all of fitting out vessels to go up to that coast.

Q. You would not think of it?—A. No.

Q. Have you ever heard of a British vessel going there?—A. Only of one; she was a schooner I went in for two or three years. She belonged to I. C. Hall.

Q. He is an American, is he not?—A. Yes. He attends to the fisheries in Prince Edward Island.

Q. He is an American citizen?—A. Yes. Our vessel went up there to get some pogies for bait one year. We were there a long time, and were bothered a good deal by the number of vessels engaged in fishing with seines. There was not much show for us to do anything. The shore seemed to be completely taken up by all kinds of traps, nets, and vessels. I think as far as the American shore mackerel fishery is concerned, that they have no more room than is required for their fleet of vessels. Our people would have but a very small show indeed among them.

Q. You would not like to invest capital in such an undertaking yourself?—A. I never would think of such a thing at all.

By Mr. Foster:

Q. You were about sixteen years old when you began fishing in the Josephine, in 1848?—A. I was between fourteen and sixteen years of age.

Q. And I think you said you first shipped on the island?—A. Yes.

Q. Prince Edward Island?—A. Yes.

Q. And you then made one trip in the gulf?—A. Yes.

Q. And where did you go then?—A. Up to Newburyport, in the United States.

Q. When did you reach it?—A. In the latter part of October, about November.

Q. And there you were discharged?—A. Yes.

Q. Where did you spend the winter?—A. At and near Newburyport.

Q. At what time did you ship the following spring?—A. In April.

Q. And where did you go first?—A. I made two trips on the coast, and then went mackerel-fishing in the bay.

Q. You went in a schooner?—A. No; but in a coaster. We do not use coast vessels fishing in the bay.

Q. You started to coast in the spring of 1849?—Yes.

Q. How long did you coast?—A. Until July.

Q. In what vessel did you begin fishing in July, 1849?—A. In the schooner Hezron.

Q. And where did you fish first?—A. Down the Bay of Chaleurs and along the British coast.

Q. You did not try to fish until you reached the bay?—A. No; we came directly down.

Q. And you made two trips the second year?—A. No; one trip.

Q. At what time did you reach Newburyport that year?—A. In October. It was about the 20th. It was along in October that we generally got back from the bay. We usually leave the bay about the 20th of October—towards the last of the month.

Q. You said that the Josephine was a vessel of 75 tons; what do you judge was the tonnage of this vessel?—A. About 80 tons.

Q. How many men were on board?—A. I think we carried 16 men on the Josephine.

Q. And on the other?—A. I think there were fourteen. The Josephine was rather a clipper schooner, and lengthy, and took more hands. The other schooner, though of heavier burden, was not so long.

What is the average number of men employed on an American mackerel schooner?—A. I would say it would be fifteen hands to a vessel.

Q. On a large schooner?—A. On some large schooners there would be as many as 24.

Q. Their average size is from 70 to 80 tons?—A. It is about 65 tons. Some are smaller and some larger. For that number of tons, fourteen or fifteen men would be about the average.

Q. Are they all employed on shares?—A. In some ports, as in Newburyport, the men are now employed on wages. This has been the case of late years. In those years, generally in fitting out vessels, four men were hired to take a risk with the owners, and the balance of the crew were hired by the month. If they had fourteen men, they shipped eight.

Q. What wages were paid?—A. From \$20 to \$40 a month.

Q. According to skill?—A. According to the worth of the men.

Q. And for how many months were you employed?—A. They would commence on their own coast. Some would go out south during the latter part of April; and they would again be employed on the American coast in the fall, and until the last of November.

Q. A regular mackerel vessel would usually begin fishing on the American coast in the beginning of spring?—A. Yes.

Q. You follow up the fish and catch them wherever a chance presents itself?—A. Yes.

Q. And then return in the same way, fishing down the coast, ending in autumn, where you go in the spring?—A. Yes. We fish right through the season.

Q. How many months in all would be so employed?—A. We would be so engaged from the 15th or 20th of April until the last of November, and as a general thing from the 1st of May. The mackerel fishery is over in November.

Q. The average number of months is between five and seven?—A. Yes.

Q. And how many trips would you make in that time?—A. They would make one trip out south, and sometimes two. Then they would go down the bay and make what we call three trips, landing two and taking one home. They would ship on the steamers and make another trip before going home.

Q. How many trips would they then make?—A. They would besides make one after returning home, and sometimes two; and they would be short trips, being near home. They would fit out in a fortnight or so.

Q. During the latter part of the season the fish are larger and fatter than they are previously?—A. Yes.

Q. And those caught in autumn are the largest of all?—Yes.

Q. Do you know what the mackerel schooners cost, on the average, in the States?—A. We have mackerel-fishing and George's fishing

schooners; and the cost of what we call a Georgiaman would be something like \$6,000 or \$7,000 in gold. That would be a small-sized vessel. A Georgian fisherman would be of about 65 or 70 tons.

Q. The greater part of the American mackerel fishing is done in vessels of that class?—A. Yes.

Q. They are altogether of the largest class of vessels?—A. Yes.

Q. And about fourteen men are employed on each vessel?—Yes.

Q. What was the average number of barrels the vessels caught in a year?—A. I gave it in the bay as four hundred. I would say that would be a fair average.

Q. That was formerly?—A. From 1848 up to four years ago, in my experience.

Q. How many barrels would be an average catch outside of the bay on the American shores?—A. O, well, some vessels would go out south and return with none, while others, perhaps, would obtain a hundred barrels and more.

Q. I want to know the average?—A. The average catch out south, taking the spring trips for ten years in succession, say from 1848, would not be over 150 barrels.

Q. A trip?—A. That would be the catch all through.

Q. Making two spring trips?—A. Some did and some did not; very few did.

Q. With two trips on the southern coast, do you think that they would average 150 barrels a trip?—A. I do not say that they would average two trips there; very few make two.

Q. What do you think the average there would be?—A. O, I would say that the average catch would be 150 barrels for the spring fishing.

Q. Do you think that they did not average more than 150 barrels in the spring, when they went one or two trips?—A. Yes.

Q. Some went once and some twice?—A. Yes.

Q. How much would they catch in the autumn trips off the American coast with the same vessels that come up here?—A. Some of these vessels would remain on the coast of Maine, and fish there; some made very good catches.

Q. You have undertaken to show us the average on the British coast, and I want to learn what it is on the American coast?—A. I would give the average catch on the American shore out south, taking the whole season right through, as 200 barrels a vessel.

Q. You have given the average spring catch as 150 barrels?—A. Yes. I have not, however, kept the run of fishing on that coast as well as on this coast.

Q. You do not know as much about the American as about the British fisheries?—A. I have kept the run of the fishing on the Gulf better than on that coast, and for this reason, that I could not be in two places at once.

Q. We understand that you do not know as much about the American coast as about the coast nearer home, and yet you have known enough about the former to think that the fishing there is of very little value?—A. It is of very little value to our fleet.

Q. Well, stick to the autumn trip, if you know anything about it, for the American coast. What is the average number of barrels that, in your opinion, the American mackerel vessels obtained at this season in the same years you have already spoken of, when the fisheries were in their good condition—from 1848 to 1865, I believe, was the period you gave us?—A. I do not think I could compute the average of the season,

taking the run from 1848 up until they commenced the seining business, say four years ago.

Q. I want it for the same years you mentioned with reference to the catch here from 1848 to 1865. Lump them together.—A. I would put it at something like 250 barrels a vessel.

Q. Is it 250?—A. For the hook-and-line fishing on the shore, I mean.

Q. On the American coast?—A. Yes.

Q. In the three trips they would take, you think an average of 250 barrels?—A. Yes, for the season.

Q. That would be 150 for the spring and 100 for the autumn?—A. Yes; they would land two trips. They would land at New York and sell the mackerel when fresh. These are not considered big fish trips.

Q. That would make 650 barrels all told for the season, with 400 for the bay. The bay mackerel are perfectly well known in the market among dealers as distinguished from the shore mackerel, are they not?—A. They are, of late years.

Q. Which brings the highest price in the market, the mackerel caught off the American coast or those caught up here?—A. Up until ten years ago the bay mackerel, No. ones, always commanded the best prices, compared with the American mackerel. If anything, I think they were more in demand. Of later years, however, the shore mackerel appear to be the fatter; and I think they command about \$1 a barrel more than the others.

Q. You do not think it would be \$4 or \$5 more?—A. O, no, sir. Perhaps you allude to Nos. threes and twos. There is a great difference in the numbers.

Q. I refer to number ones?—A. The difference in value per barrel would be \$1.

Q. Not more?—A. I always get the Boston quotations, and find the bay mackerel, number ones, quoted at \$18, and the shore catch, number ones, at \$19.

Q. Now for number twos?—A. Number twos bring likewise \$1 difference. The American mackerel, number twos, are smaller than ours and likewise fatter.

Q. And number threes?—A. In large threes there is no difference.

Q. When you get to threes, the British catch sell as well as the American?—A. Yes. Number three is considered everywhere as a poor brand. There is no fat about them. They bring about the same price as long as they are large.

Q. You began to fish on your own account in 1853?—A. Yes.

Q. And were captain of a Prince Edward Island vessel?—A. Yes. She was named the *Montana*.

Q. What was her tonnage?—A. Sixty tons.

Q. How many men were on her?—A. Twelve.

Q. And where did you go that year—to the Bay of Chaleurs?—A. Up the Bay of Chaleurs and on the western shore, along the bend of the island, all down by Port Hood, and along the coast of Cape Breton.

Q. And the following years you went on an American vessel as a sharesman. Explain to the Commission what that is?—A. I so went for the owners. No one in that port had been fishing out there, and the owners always put in a share man when they do not know the ground themselves. Each port generally has a rule of its own with regard to the fitting out of vessels. In Newburgport they principally hire the crews, and, suppose the owners stay at home, then they engage a man to take their place, and they pay him extra wages.

Q. In short, a sharesman is a man whose duty it is to keep count of

the catch of each man?—A. He fishes, and is supposed to take a greater interest in the voyage than the others, who are simply on wages.

Q. He keeps count of the catch?—A. No. When the barrels are landed the owners are there, and of course they count the fish.

Q. You were simply there on wages fishing, and not superintending the catch?—A. I took care of the mackerel, kept them in good shape, and saw that they were split and properly cured, in order that they might bring the highest prices. If neglected, these fish will only make threes, though if properly attended to they would have made ones. This makes a difference of from \$6 to \$7 a barrel. For this reason the owners place a responsible man as sharesman in the vessel, to see that the fish are properly put up.

Q. What wages were you paid as sharesman?—A. \$40 a month.

Q. And were you in the vessel all that year?—A. Yes.

Q. Do you know what this vessel cost?—A. She cost about \$5,000.

Q. In gold?—A. About \$4,000 in gold.

Q. What was her tonnage?—A. About 75 tons. I have reference to the Ellen.

Q. I allude to the one you shipped in after you had been captain?—A. That was the Ellen.

Q. What was the cost of running that vessel?—A. I did not have any responsibility of that kind.

Q. Your knowledge of the business will enable you to tell; begin with the cost of the cost of the crew.—A. The wages averaged about \$20 a month.

Q. How many men received \$20 a month?—A. About one-third of the men, young fellows and green hands. Others obtained from \$25 to \$30.

Q. One-third of twelve or fourteen received \$20?—A. One-third of fourteen did so.

Q. Four or five men got \$20; which?—A. Four men received about \$20—One-third of the crew did. The others were paid from \$25 to \$30.

Q. That would be \$80; for how many months?—A. I think we were out that year  $3\frac{1}{2}$  months.

Q. Did you usually make short trips?—A. No. We then made one trip down here. The others staid a certain time on the way back home.

Q. Were you with that vessel throughout the season?—A. Yes. That season we only made one trip to the bay.

Q. Where did she go afterwards?—A. I do not know. I left her at Newburyport at the end of the trip. We did not return to the bay that year.

Q. During that trip four men were paid \$20 a month; how many men came in the next grade?—A. The wages averaged from \$20 to \$30 a month.

Q. How many men received \$30?—A. Not more than one or two. I could not say exactly. Their wages were \$25 or \$30.

Q. I merely want the average?—A. It was \$25.

Q. For fourteen men?—A. Yes. I mean for the crew, outside of what we called a sharesman.

Q. Fourteen men were paid \$25?—A. I would not say fourteen, but with four taken out this would be the case.

Q. How many got \$25?—A. Four from fourteen leaves ten.

Q. Ten received \$25?—A. Yes.

Q. What did the other four cost?—A. They averaged \$40 a month.

These are considered by the crew as sharesmen, because they are hired to replace the other sharesmen.

Q. What did the equipment cost?—A. We fitted out for 400 barrels of mackerel, and these barrels then cost about sixty-five cents apiece.

Q. Give, if you can, the cost of the barrels, provisions, salt, bait, &c., all together.—A. The outfittings would cost about \$700.

Q. Give us the items?—A. There would be about one hundred barrels of salt, at about ninety cents each, 400 empty barrels, at sixty cents each; the salt then cost something like \$1.75 a hogshead, and that comprises two barrels. I also put down \$50 for flour and beef; sugar, molasses, bread, apples, and such things would be provided besides. The minor outfitting would cost \$75.

Q. We are solely dealing with a schooner with a crew of 14 men?—A. Yes.

Q. And do you not think that the provisions for these men for three and one-half months would cost more than \$75?—A. I only gave the small stores at \$75.

Q. What would it cost to feed these fourteen men for three and one-half months?—A. You can set it down at \$1.50 a week each. They pay in the boarding-houses \$1.25 a week, and on board their provisions would be more expensive. They allow \$1.50 a week for this purpose.

Q. That would be \$21 a week for fourteen or fifteen weeks?—That would be about as near as you can get at it.

Q. What amount of bait was taken?—A. On these trips we generally took about forty barrels of pogies, costing about three dollars a barrel, and some clams.

Q. How many clams?—A. From six to eight barrels, or perhaps five barrels with 40 barrels of pogies.

Q. What would the lines cost?—A. A trifle—\$10, I guess.

Q. The hooks and lines?—A. Yes.

Q. Do you know the insurance on such a vessel or the outfittings of the trip?—A. Many do not insure at all.

Q. There is not much insurance taken?—A. No.

Q. But there were cases of shipwrecks during these years?—A. Yes, there were.

Q. What other expenses were there?—A. Those of packing off—preparing the fish for market and culling them.

Q. What would the inspection cost per barrel?—A. Fifty cents.

Q. And branding and packing?—A. That is included in inspection. It would cost about \$1.25 to inspect each barrel, but in this case we had the barrels with us. Inspection means the barreling and all.

Q. You did not then rebarrel?—A. No.

Q. How many barrels of mackerel did you get that trip?—A. I think 390.

Q. Do you know anything of the price at which they then sold in the market?—A. This was told us.

Q. Do you remember it?—A. I think No. 1 sold for about \$16 that year. The mackerel, as a general thing, were large. There was never more than \$2 difference between the price of ones and twos at that time.

Q. How many barrels did you secure on the Ellen during the trip that year?—A. Three hundred and ninety.

Q. You do not mean to say that your whole catch consisted of No. 1?—A. No; but this was the case for two-thirds of it; the remainder would be No. 2. We had no threes that year.

Q. What did No. twos then bring?—A. From \$13.50 to \$14.

Q. This was in 1854?—A. Yes; No. ones were sold as high as \$20 that year, but the average price was \$16. The inspecting, branding, and repacking of the barrels cost fifty cents each.

Q. Now, that was your last trip in American vessel?—A. No; it was not.

Q. What was the name of the next American vessel in which you were?—A. The Fanny.

Q. Which was wrecked?—A. No; she was not.

Q. Where were you during the year following the one when you were on the Ellen?—A. On the Julia Franklin.

Q. That was in 1854?—A. No; in 1855.

Q. Where were you in 1856?—A. On the Morning Star.

Q. When did you start on a vessel of your own again?—A. In 1857, on the Josephine. I was proprietor of her for four years. I have run her in this business all through, with the Game Cock and others.

Q. The Josephine was the first of your own vessels?—A. Yes.

Q. What was her tonnage?—A. Forty.

Q. How many men did you have on her?—A. Eleven.

Q. How many trips did you make?—A. Two. I went late the first season, and was out two months and eight days; I obtained 400 barrels.

Q. And what did you do with the mackerel?—A. I shipped them to the United States.

Q. Yourself?—A. Yes.

Q. Direct?—A. No; I did not do so that trip. I sold them at Charlottetown to I. C. Hall.

Q. That was in 1857?—A. Yes.

Q. There was no duty on the fish then?—A. No.

Q. Where were you in 1858 and '59?—A. In 1858 I think I was on a vessel belonging to Hall.

Q. As captain?—A. Yes; I put a man on my own vessel. The reason I left her was because I had been very successful on this vessel the year before. She was of American style, but built on the island.

Q. Did you go in her on shares?—A. Yes.

Q. What shares did you have?—A. I had four and a half per cent. on the whole catch and one-half of the fish I caught.

Q. And the following year you went back to your own vessel?—A. I obtained a vessel that winter—the Game Cock—of 100 tons.

Q. Where did you fish with her?—A. In the bay, in the mackerel business, for two years.

Q. At what time of the year did you begin?—A. In July.

Q. What was your vessel doing prior to July?—A. She went up to the West Indies.

Q. She was not exclusively used as a fishing-vessel?—A. No; she was built for fishing and coasting. She was a coaster in winter, and employed at fishing during the summer.

Q. How long were you in her?—A. Two years.

Q. This will bring us to 1860; what vessel were you in after that?—A. In the Livy. I sold her. I was in her one year, and in 1865 I was in her again.

Q. What did you go into after 1866?—A. I was in a schooner.

Q. Did you own her?—A. Yes.

Q. You bought her?—A. Yes.

Q. Where did you fish then?—A. In 1867 I was in the bay.

Q. And 1868?—A. Then I was in the gulf.

Q. When was it you made up your mind to give up the business on

account of the duty?—A. In 1866. That was the first year cutters were employed.

Q. How many barrels of mackerel did you catch in 1866?—A. Two hundred and forty.

Q. During how many months?—A. About two and a half.

Q. What was the vessel doing the rest of the year?—A. I sold her.

Q. And what did you do the following year, 1867?—A. I went buying mackerel along the coast.

Q. Of farmers who caught them in boats?—A. Yes.

Q. And what did you do with them?—A. I shipped them to Boston.

Q. Did you ship or sell them?—A. I shipped to Boston and sold them.

Q. To whom did you sell in Boston?—A. To Hall & Merrick.

Q. You dealt with Hall; he was on the island?—A. They had an office there.

Q. When you say you shipped them to Boston you mean you sold them to a man who lived on Prince Edward Island, and who happened to be an American citizen, and to have another house in Boston; do you call that shipping them to Boston?—A. I do not say that I so shipped this trip.

Q. When you sold to Hall & Merrick you sold at Charlottetown, did you not?—A. Yes; but this was not the case with all my catches in the Game Cock. I shipped to Boston on my own account.

Q. I am speaking of the fish you bought around the island, and I ask to whom did you sell them?—A. They were sold in Boston, and bought on the joint account of Hall and myself.

Q. Then you were in partnership with him?—A. Yes; they were all shipped to Boston.

Q. Were they sold on joint account at Boston?—A. Yes.

Q. How many years did you follow that system?—A. Two years.

Q. Were these fish sold as American or as British fish?—A. As British fish.

Q. And you paid the duty of \$2 a barrel?—A. Yes.

Q. Do you remember how many barrels you bought the first year you worked on joint account?—A. We bought about five hundred barrels.

Q. What did they cost you?—A. We paid from \$4 to \$8 a barrel for them; the barrels held two hundred pounds. We bought them from the fishermen—ones, twos, and threes. We did not cull them at the time, but we did so at Charlottetown.

Q. When did you resume fishing?—A. I also fished that year. I had the vessel out fishing and buying both.

Q. The same vessel?—A. Yes; the Josephine.

Q. You ran her on joint account with Mr. Hall?—A. Yes; she was chartered on joint account. She was a British vessel.

Q. This was in 1866 and '67 and '68?—A. It was in 1868 and 1874.

Q. That was your business all along these years?—A. Yes.

Q. You bought as many fish as you caught probably, did you not?—A. We bought more than we caught. We took only a small crew. We bought along the shore and caught some in the vicinity.

Q. Did you sell goods, too?—A. Yes.

Q. A good deal of the traffic consisted of barter, I suppose?—A. Yes; and we also paid cash.

Q. This brings you down to 1873?—A. This comes down to 1874. In 1875 I went likewise into partnership with Mr. Hall. We took in three or four vessels, and traded. I went down to the Magdalen Islands

and bought a large quantity of fish there. We shipped 1,680 barrels that year.

Q. You did not say much in your testimony yesterday about the mackerel fishery about the Magdalen Islands, did you?—A. Yes, I did.

Q. Is not that as good a place for catching fish as there is in the gulf?—A. No; it is not. The mackerel there are principally caught by the vessels among shoal rocks, and in small spots where they stay a little while and are hard to get out of. It is very blowy there part of the year.

Q. And you do not regard the Magdalen Islands as a good place for fishing?—A. We do, but we cannot well fish there.

Q. Is there not a great deal of fish caught down there?—A. Some fish are got there.

Q. Is there not a great deal?—A. O, yes—by boats.

Q. And by vessels?—A. There is good herring fishing at this point.

Q. And is there not also mackerel fishing?—A. There are some mackerel about these islands, but not many compared with other parts of the gulf. I should say that about one-fifth of the vessels go there.

Q. One-fifth of the entire fleet, British and American?—A. Yes.

Q. Do you mean that the other four-fifths do not go there at all?—A. I do not say that; they are back and forth. These vessels are like a flock of birds, flying all over the country. I think that is the average all the season. I mean that.

Q. Then one-fifth of the fishing done in the gulf is done at the Magdalen Islands?—A. Yes.

Q. And not more?—A. Not more; the vessels run back and forth around the islands; they do not stay and fish at one place.

Q. You speak of the seining of herring at the Magdalen Islands—is that always done on shore?—A. Always on shore, except in the case of purse seining, and this has been practiced of late years in the bay.

Q. These seines cannot be used on shore at all?—A. No.

Q. They require deep water?—A. Yes, though they have seines for shoal water, eight, nine, or ten fathoms deep.

Q. But the great bulk of the purse seining is done in deep water?—A. Yes.

Q. Is any difficulty experienced in seining herring on the Magdalen Islands from boats? It can be done in boats?—A. Yes, and also in shoal water.

Q. It is not very expensive when done from boats?—A. No; of late years it has been preferred with purse seines. I have found the herring there during the last twenty years I visited the islands, mostly in the spring.

Q. Do you think that the Americans buy most of their herring?—A. During the last eight or ten years they have done so; the fish cost from four to five cents a barrel; they generally call at Canso on their way down and charter seines; they give so much a load, and the average is about four or five cents a barrel. I have sold thousands and hundreds of thousands of barrels for five cents each.

Q. You sell them to the Americans?—A. Yes; and to our own vessels. They usually buy rather than stop and do shore-seining for themselves; they find it comes much cheaper. Of late years, however, they cannot buy so many as they did on shore; this is due to the purse-seining.

Q. Because the fish do not strike the shore, there has been complete failure in the herring catch?—A. Yes; for four or five years purse-seines have been used there; and it has been found that the fish were leaving the shore. A large fleet going down could not get enough for a trip.

Q. Purse-seining is a very comprehensive mode of catching fish ?—A. It is very handy.

Q. You can thus catch fish whether or no they are inclined to bite ?—A. Yes.

Q. And no bait is required ?—A. No.

Q. And you do not have to wait to be sure of getting fish; whenever you know there is a school you can take possession of it and bring them on board ?—A. Yes.

Q. It is done by force instead of by fraud ?—A. Yes.

Q. You think that the seining that has been practiced off the American coast accounts for the poor condition of your bay fisheries during the past four and five years; did you not yesterday say that this was due to the fact that the Americans took possession of the schools on their way up ?—A. No. The American fleet did not frequent our waters much last year as during the previous year. Probably if they had done so, they would have had as good fishing as during former years.

Q. You think the trouble met with last year was due to the fact that the people were not here ?—A. No.

Q. You say that this was the case on Prince Edward Island ?—A. No, but in all parts of the bay.

Q. Perhaps their not getting fish is owing to the absence of the American fishermen. You do not agree with the fishery report, which says that the mackerel-fishing last year was a failure on the coast of Prince Edward Island ?—A. I say that last year there were not as many fish caught as was the case previously.

Q. You would not call the fishery a failure because less people came there to fish, if the fish were waiting to be caught ?—A. Certainly not.

Q. You think that the failure of the fisheries was due to the failure of the Americans to come here ?—A. I alluded to the North Shore mackerel fishing last year.

Q. What north shore ?—A. Labrador, and down to Seven Islands and Gaspé, and all this coast. A large body of mackerel were at the Magdalen Islands last year.

Q. And the Americans had not enterprise enough to come and catch them ?—A. I did not see more than a few of their vessels last year.

Q. What kept them away ?—A. I think it was because they had expensive seines, and because they found fish on their coast, and consequently they would rather stay there than come down to the bay.

Q. Then, in your opinion, the failure of your mackerel fisheries spoken of in all your reports for the last three or four years was not due to the fact that of the fish not being there, but to the circumstance that the Americans got their fish at home ?—A. This was not entirely the case. The same body of fish that frequents the American frequents our shore. We find them in our waters; they take their course down the Gulf Stream and come to the gulf and as far as fresh water, and when the water gets cold they turn; we follow the schools all round, starting from Cape May in the spring.

Q. And wherever you find them with purse-seines you can catch them, can you ?—A. Yes.

Q. Well, now, you do not begin to fish for them up here until July, do you ?—A. We commence in June—about the 15th of June.

Q. At what time does the school usually arrive off Nova Scotia ?—A. They do not strike there till about the first of June; on the coast of Prince Edward Island, we generally fit out for mackerel along about the 10th or 15th of that month.

Q. Now, by manning a first-rate vessel, well fitted out to engage in

this business, the proper way to do is to begin in the spring down as far as Cape May and then to follow the fish up and down in the mode which you have described!—A. No; I do not think so, as a general thing.

Q. You think it depends on where the fishermen live?—A. Principally; but we cannot have the benefit of the American shore fisheries unless we winter in some American harbor.

Q. You could winter in Halifax, could you not?—A. We would rather winter our vessels at home.

Q. How many vessels are there engaged in the mackerel fishery—I do not mean boats and vessels—owned in Prince Edward Island?—A. Well, there have been about forty sail.

Q. That is the utmost figure?—A. Yes.

Q. What is the average tonnage?—A. Forty-five or fifty-five tons.

Q. What other parts of the Dominion are there where mackerel-vessels are fitted out?—A. There is another pretty large fleet fitted out inside the gut—the Gut of Canso, of course.

Q. How large is this fleet?—A. It belongs to Nova Scotia and Cape Breton, as high as the Gut of Canso, and up to Eastport, Pelton, and Calais.

Q. You do not include in your reckoning Calais and Eastport?—A. We take half of them.

Q. How many British Canadian vessels are engaged in the mackerel fishery?—A. The British fishery fleet for some six or eight years has consisted of some two hundred sail.

Q. What is the average tonnage of the vessels?—A. Forty-five tons.

Q. There are hardly any large vessels owned up here?—A. There are a few. I have seen up here vessels of 120 tons.

Q. Which are used exclusively for this fishery?—A. Throughout the summer. There have not been many of this class, however, engaged in the fishing of late years.

Q. And why not?—A. This is due to the depression in trade; the markets for fish have gone down, as a general thing, and they have given up the idea of fitting vessels out expressly for the mackerel business; besides, there are large quantities of these fish caught in seines. They are always found in bodies.

Q. The seine fishery has controlled the market of late years, has it not?—A. It has.

Q. And the hook-and-line inshore fishery?—A. It does not injure the seine-fishing on our coasts at all, but I think it has injured the fishing on the American coasts.

Q. Did you find it pretty hard to pay a duty of \$2 a barrel on your mackerel?—A. No; I did not so find it; for some years, at least, we have not paid it. If the American fishermen were kept off the coast we would think nothing of paying a duty of \$2 a barrel; for their catches would then be small and they would have to pay us a bigger price, and we would make money out of it.

Q. This was before purse-seines were used?—A. It was when the duty was levied. I would feel pretty sore at times. I would come around a point with a large fleet of vessels and fish within the three-mile limit. A cutter would come out but would not take notice of my vessel as it was a British vessel. I would know that the mackerel would strike in for the shore and where to find them, and often having waited a week for an opportunity to fish, when the mackerel came alongside, I would feel it pretty hard to see the cutter disappear and the other vessels pop in to perhaps not a mile from the shore. They would perceive me catching the fish with glasses and they would make for the schools. So

many vessels would come in that there would be hardly room in which to fish. The mackerel would at once be taken up by the American fishermen, and I was often forced to leave the spot.

Q. Why?—A. Because the vessels lay so close beside me and each other.

Q. But you were nearer to the fish than they; why did you leave?—A. Because these vessels would run in and say, "We are going to fish; now is our only chance."

Q. Why should you have been so modest as to leave?—A. Because they would come alongside and say, "This is our chance to fish."

Q. Why had you to get out of their way more than they out of your way?—A. They heave to with the wind off shore. The first vessel lies to and fishes for mackerel; another vessel goes under her, the fish leave the first vessel.

Q. Then the American boats draw the fish away from you?—A. Any vessel which comes alongside will do it.

Q. When using the same bait?—A. Yes; it does not matter what kind of bait you use. If left there alone we had a good business. I thought it pretty hard that the American vessels should take the fish in our own waters, and compel us to pay \$2 per barrel duty.

Q. You thought of giving up the business before the last treaty was adopted—the Treaty of Washington—because the effect of the duties was so bad?—A. The duty did not affect us, but the American fishermen were allowed to come inshore.

Q. The state of things was such before the Treaty of Washington that you thought of abandoning the business?—A. Yes.

Q. And that state of things you attribute to the combined effect of the American fishing and the duty; is that what you wish us to understand?—A. Yes; I certainly came to that conclusion.

Q. Your government vessels did all they could to keep the coast clear, did they not?—A. I don't think they did. We followed the mackerel close inshore, and got among them as quickly as possible. We might be a week sometimes in a harbor waiting for the fish. We had then to make the trip in a few days, perhaps 24 hours out of ten days, and would run along the shore with the whole fleet. We lost no time in making up our minds to get ahead to the mackerel. Sometimes there would be cutters in the fleet, which would be 300 sail.

Q. Did you talk over the matter of the treaty with Mr. Hall, the gentleman with whom you were connected in business?—A. Yes; we have talked it over.

Q. Do you agree with him, or differ from him, in opinion as to the effect of allowing your fish to enter the United States free of duty?—A. We have always acted together pretty well.

Q. Is it your opinion, honor bright, that you lost more by the duty than you gained by excluding American fishing-vessels, and that you are the better off to-day by being allowed to import your fish free of duty into American markets?—A. No; it is not.

Q. You would rather have the Americans excluded from the inshore fisheries, and have your fish imported into the United States subject to whatever duty the United States thought fit to impose?—A. Yes.

Q. Do you say that is the opinion of Mr. Hall?—A. I don't know that it is.

Q. Have you not talked with him about this specific point?—A. No; we talked the fishing over, talked about the catches and duties, and all that kind of thing.

Q. Have you not talked about the specific point as to which I am

asking you; and don't you know what his opinion is?—A. On my oath I cannot give Mr. Hall's opinion on this matter.

Q. You don't know the opinion of the islanders?—A. I know what Mr. Hall has said.

Q. Don't you know the opinion of your own island to have been thus expressed, that if the duties could be removed, they were content to have the Americans use the inshore fisheries?—A. No; all the talk on this matter, and everywhere the general opinion is, that it is no equivalent whatever. They all agree, and we have talked over the fisheries in our meetings, that ever since the duty has been taken off—the duty of \$2 per barrel—we have no equivalent whatever; that is, the giving to us of the American-shore fisheries, and our allowing them to catch mackerel where they please is no equivalent at all. The American-shore fisheries have no value to us. That is the general opinion—that is the opinion of every man I have ever had conversation with.

Q. In regard to the removal of the duty, is that a benefit?—A. No, because the Americans can come here and catch fish where they please and glut the market.

Q. You catch more fish than you did formerly?—A. Yes, and so do the American people.

Q. You are sending more fish into the United States?—A. If the fish were not caught on our coast by American fishermen, there would be more demand for our fish. They cannot supply their markets from the American inshore fisheries. From my experience I know it has failed.

Q. You say that is the opinion of the people of your island?—A. Yes, that is the general opinion.

Q. Was that the opinion of the people at the time the treaty was adopted?—A. Yes.

Q. Was that the opinion at the time the Reciprocity Treaty was abrogated?—A. The people of the island had not gone into the mackerel fishing very extensively.

Q. At the time the Reciprocity Treaty was abrogated, was it the opinion of the people of your island that they were better off with a duty on fish, such as the United States might see fit to impose, and the Americans excluded from the inshore fisheries?—A. Do I understand you to refer to the Washington Treaty or to the Reciprocity Treaty?

Q. To the Reciprocity Treaty. What was the opinion of your people then?—A. At that time there was no duty imposed on our fish by the United States, not to amount to anything. I don't know that there was any duty; that was before the Reciprocity Treaty.

Q. I am speaking of the time the Reciprocity Treaty ended.—A. When the Reciprocity Treaty ended, and the duty was put on mackerel, we felt in this way: that the American fleet of vessels would have larger catches on our shores and privileges nearly equal to us, unless we kept them outside with cutters, and yet we would be compelled to pay a duty of \$2 per barrel for taking in the fish. This we did not look on as a fair shake. This is the argument of it.

Q. Did you, up to the time the Reciprocity Treaty ended, regard yourselves as better off?—A. No.

Q. Considered it an injury to them, did they?—A. An injury during that time, for we had very little fish going into the United States market before that. Our trade was principally with our produce, our crops, especially potatoes. When the duties came on they shut up that trade.

Q. Did your people not regard the imposition of the duty on fish entering the United States as injuring you more than you would gain by excluding American vessels from the inshore fisheries?—A. No.

Q. Not then ?—A. No.

Q. That was not the opinion of the people of the island ?—A. No.

Q. Have you heard them express an opinion that the inshore fishing is worth more than the \$2 per barrel duty ?—A. Yes. All leading men and men interested in the fishing business are of that opinion.

Q. And have been so right along ?—A. Yes; since I have been acquainted with them.

By Hon. Mr. Kellogg:

Q. Where do you reside ?—A. At Souris, Prince Edward Island.

Q. Has that always been your home ?—A. Yes.

Q. You spoke of Jersey people coming there to fish sometimes ?—A. That is on the Labrador coast. They are the Jersey people from the coast of England ; they have large fisheries on the Labrador coast.

By Mr. Foster:

Q. What is the population of Prince Edward Island ?—A. Something like 140,000.

Q. How many of them are fishermen by business ; I don't mean farmers who fish in summer ?—A. I don't know that we have many people in the island who carry on only the fishing business. Farmers follow fishing as much as anybody else in the summer season.

Q. Have you a considerable number who follow the fishing business during the year ?—A. No ; they do many things. They are engaged in all kinds of business and preparing for next season. Many build boats and vessels.

By Mr. Davies :

Q. In regard to the Reciprocity Treaty and Prince Edward Island, what was the nature of the benefit we derived in the island from that treaty ?—A. Our produce went into the United States free, and we derived some benefit from that ; it increased our trade a good deal. In fact, at that time, we were opening up a new country, and that treaty was the means of clearing it up and causing a great many more people to enter into business.

Q. We shipped oats and farm produce from the island ?—A. Yes ; American vessels would enter our harbors and buy our produce and beef and pork.

Q. All the agricultural produce was shipped under that treaty to the States ?—A. Almost all.

Q. So far as the fishing is concerned, at that time the people were not so extensively engaged in the business ?—A. Yes.

Q. So the benefit which it is claimed we derived under the Reciprocity Treaty was chiefly confined to agricultural produce ?—A. Altogether. At that time there were only two fishing firms on the island.

Q. With regard to the \$2 per barrel placed upon Canadian fish, do you not think that the abolition of the duty would be an equivalent for the admission of Americans into our fishing waters ?—A. I say it is no equivalent at all.

Q. Please explain why it is not equivalent.—A. The American fishing fleet come down here. No. 2 mackerel were selling a few years ago in Boston at \$13 per barrel. Owing to there being a short catch on the American shores they are quoted at \$20 per barrel. If no American vessels were allowed to fish on our shores this year we would have a good pile of money. I would not wish any better business. We had had accounts of American seiners in our waters, and if they make large

catches—and they cannot help it, for mackerel are there—the price of mackerel will fall, and we will lose \$5 or \$6 per barrel in price.

Q. You have spoken of Magdalen Islands as being to some extent a fishing ground, and have said that one-fifth of the fleet, in all probability, would fish there during the season?—A. Yes.

Q. Supposing Americans were admitted to Magdalen Islands and excluded from Prince Edward Island, Bay Chaleurs, Nova Scotia, and the gulf, would it be worth their while to make fishing trips?—A. I think a very small fleet would come down. Allowing them Magdalen Islands and the deep water of the gulf, it would not pay to fit their vessels. Occasionally a vessel might come in with a trip, but they could not make it a paying business, and they would look at it in that light.

Q. One reason you gave for not being able to take advantage of the American fishing-grounds was that the vessels must be laid up in American harbors?—A. Yes.

Q. About what time of the year, on an average, are you able to leave your harbors?—A. On an average, about the 15th May, on the east part of the coast.

Q. Would it be worth your while to commence a voyage to the American shores, leaving on the 15th May?—A. No. We would not meet the first school, and would not have a fair show with the American fleet.

Q. Some seasons you are later than that?—A. Some seasons in June.

Q. Would any sane man on the island attempt to prosecute fishing on the American shore and send a vessel south?—A. No; I don't think any man there would attempt it.

Q. Could it be done?—A. It could not be done.

Q. Supposing you could get the vessels out, would you feel inclined to go into such a speculation and send vessels down?—A. No.

Q. Would it pay to get out vessels and send them down there?—A. I don't believe it would. I cannot see there would be any encouragement to do it. For this reason, we have only about six months' fishing season in the gulf. If we built vessels specially for the fishing business we would have to leave them in American harbors during the winter season. The expense of keeping the vessels there, and travelling backward and forward, would be such a heavy expense that it would not be a profitable business.

Q. And practically it has not been attempted?—A. No; I don't think it will be for some time. I think I do the principal fishing business on the island, and I don't think I will attempt it any way for ten years.

Q. When the Reciprocity Treaty ended, and our mackerel were taxed \$2 per barrel, did the Americans confine themselves to fishing outside the three-mile limit?—A. Not at all. This is what I complain of. I was tied up both ways; they took the fish from me, and then they compelled me to pay \$2 per barrel duty.

Q. In regard to the disadvantage that results to you from the presence of the American fleet, explain how it is that they take away the fish from you and compel you to leave the fishing-ground?—A. The vessels gather at the north part of Cape Breton and the bend of the island. When a wind comes from the north we run to Georgetown, Port Hood, or Souris, and we have to lie in harbor. As soon as the wind changes, we take two or three days, sometimes a week, to go on the grounds; we never go there unless the wind is blowing from the southward. We afterwards run close inshore and find the mackerel there. We know that the fish work to the shore when the water is smooth; when it is rough they lie at the bottom. The vessels heave to half a mile from shore. A large fleet of American vessels may go inshore, if there is no

cutter. They may have been there very early, but as soon as they see the cutter they move off a bit. The cutter does not stop, and the vessels begin to spread along the shore. They will not go inshore when the cutter is there, but they enter when the cutter has passed by. The American vessels come alongside, close up to the leeward. Mackerel come right up where the bait is; they come right up to the vessel, and when they find the bait and the vessel drifting they follow. I have known the first vessel get mackerel as fast as they could haul, and two minutes afterwards they were away.

Q. The vessel to the leeward gets the catch?—A. Yes; the one to the lee bow. The American vessels leave others to go in and raise the mackerel, and then go in and lee-bow them.

Q. They take the advantage of your being able to go in and raise the mackerel?—A. Yes, it is a practical thing with them.

Q. How far south do you go to catch fish off the American coast?—A. To Cape May.

Q. Do you know what is the parallel of latitude?—A. About 38°.

Q. Do you go below Cape May?—A. Yes, we sometimes go as far down as Cape Hatteras.

Q. Cape Hatteras is in about 35°?—A. We don't often go below Cape May.

Q. But you sometimes go as far down as Cape Hatteras?—A. Yes; we find them down that far, but we generally leave the mackerel at Cape May, which is a good place to go and meet them.

Q. Is there any fishing in Delaware Bay?—A. No mackerel fishing, but there is good shad and other fishing.

## No. 2.

JAMES R. MACLEAN, merchant, Sonris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You are a member of the legislature of Prince Edward Island?—A. Yes.

Q. And have been so for some years?—A. Yes, since 1869.

Q. Have you any practical acquaintance with the fishing business?—A. I have had.

Q. Your experience has extended over how many years?—A. My first experience would be about 1854.

Q. And has your experience continued more or less from that date up to the present time?—A. Yes, in a general way.

Q. Has your experience been of a practical kind?—A. In 1854 my father kept boats and was running the fishing business in connection with farming at East Point, Prince Edward Island. At that time I used to go out in some of the boats and take considerable quantities of fish, mackerel and cod. We had trawls set in the spring of the year, and in the summer season used to catch mackerel close in along the coast.

Q. Did you ever go on board American vessels?—A. Very frequently. From that time until 1869 and 1870 I very often went on board American fishing vessels which frequented the coast.

Q. Were you ever on board an American fishing vessel as a fisherman?—A. I was. 1858 was the first year I went out fishing in an American vessel.

Q. Do you remember the name of the vessel?—A. The schooner Rescue, of Gloucester, Mass.

Q. That was in 1858?—A. Yes, I was a boy at the time. I was not in very good health and I went out for a trip in the fall.

Q. Where did you secure fish?—A. In the bend at the island principally.

Q. What do you call the bend of the island?—A. Inside of a straight line from North Cape to East Point.

Q. When you were in the Rescue, in 1858, did you fish along that shore?—A. Yes.

Q. What distance from the shore did you fish?—A. Sometimes within a quarter, sometimes within half a mile; we never fished more than two miles off the shore there, to my knowledge.

Q. Do you remember what the catch was that season?—A. The catch was pretty large. I was only for one trip in the Rescue. I went out in September, and we fished until the latter part of October. We got a full fare, as many as the vessel would take.

Q. What quantity would that be?—A. About 450 barrels.

Q. All were taken within three miles of the coast?—A. That is, there and Cape Breton waters, down to Margaree Island, Port Hood, Cape Mabou, and close in off Broad Cove. We were once so close that we put out oars to prevent the vessel going aground. In calm weather the mackerel keep close in shore, and we were so close to the shore that we had to get the boat's oars out to row the vessel off.

Q. I understand you to say that, whether in the bend of the island or off the shore of Cape Breton, all the fish were taken within the three-mile limit?—A. Yes; all except 15 barrels. We went to the Magdalen Islands, but found no mackerel, and we came back to Prince Edward Island and found mackerel on the north shore; this was late in October. We followed them down to East Point, and ran across that night to Port Hood. We tried off there, but found no mackerel, and next day started across and met the mackerel half way and got a few barrels while they were running, and went and struck them again at the shore.

Q. Did you go in any other American vessels after that?—A. Yes; I went in the schooner Fairy Queen, in 1859.

Q. When you were in the Rescue, in 1858, what was the number of the American fishing fleet?—A. The number that year would be pretty large.

Q. How many?—A. I should say 600 or 700 sail.

Q. When you were fishing in the Rescue, within a short distance of the shore, what is your evidence regarding the rest of the fleet; where were they fishing? Were they occupying the same water or not?—A. When we were fishing on the north side there was a large fleet on the north shore, from New London down to East Point. All those were fishing within the shore line. When we fished in 1858 near Port Hood we saw 450 vessels, American vessels principally.

Q. In 1859, when you were in the Fairy Queen, what would you estimate to be the number of the American fleet?—A. I should think the average was about the same.

Q. What was the catch of the Fairy Queen in 1859?—A. I don't remember the exact catch, but I should say somewhere about 250 barrels. She was a very small vessel.

Q. What was her size?—A. About 50 tons. The Rescue was from 94 to 96 tons.

Q. Where did you make your catch?—A. Principally about Prince Edward Island.

Q. In the bend of the island?—A. Yes.

Q. How far from the shore?—A. Close in shore. Mackerel keep along the shore.

Q. Where did the rest of the fleet fish that year?—A. The fleet which we saw with us—and we generally kept with a fleet of vessels—all fished within say from half a mile to two miles of the shore; down to Port Hood they all fished close in.

Q. I understand a large portion of the fleet fish in the fall?—A. In the latter part of the season they go up to Gaspé, Seven Islands, and Shippegan.

Q. Did you sail on board any other American vessel?—A. No; that is the last American vessel I went out in to catch mackerel. I went down to the American coast and went out to the Middle Banks in two American vessels. We went out in November, to the Middle Bank, off Cape Cod, after we went home; they were taking a small catch of mackerel there.

Q. Did they take a heavy catch in the fall?—A. In that quarter I am not aware. I cannot speak from experience; my experience is confined to one year. Some seasons they got a moderate catch, and at other seasons they did not.

Q. Did you live at Souris all the time?—A. I lived at East Point up to 1870; about two miles from East Point, on the south side.

Q. Where is Souris?—A. Fifteen miles from East Point, on the southern side. I live within fourteen miles of Souris.

Q. Had you an opportunity of forming an opinion of the fishing fleet frequenting the bay each year?—A. Yes, I had every advantage.

Q. How were you enabled to form an opinion?—A. I remember often seeing them coming to the shore with a heavy north wind; they get close under the south shore at East Point and anchor along the shore for miles. I remember seeing 400 sail anchored. I have counted them often. I have seen that number fishing right along the coast close in, both on the north and south side. They stand in the north side and fish for mackerel along in the second chapel and at St. Peter's.

Q. What is your estimate as to the number of the American fishing fleet which frequented the bay yearly, excluding the past two or three years?—A. I should say that from 1854 to 1874 it would average five hundred vessels.

Q. There has been a slight falling off since 1874?—A. A slight falling off latterly.

Q. Do you include 1874 in the statement?—A. That is including 1874, I make the average to have been five hundred sail.

Q. Was there much difference between the fleet one year and another?—A. There was considerable difference. I think there would be between seven hundred and nine hundred sail in the bay one season. I don't remember the season, but I remember having conversations with American captains, a great number of whom came ashore, in regard to the number of boats, the catches made, where they caught the mackerel, and I used to find it out in that way.

Q. Has the number of the fleet during the past two or three years declined to an appreciable extent?—A. It has. There has been nothing like the number of vessels in the bay during the last three years that there was formerly.

Q. Can you give the reduction in the number?—A. I have not paid

much attention to the fleet during the last year or two, since I have been living at Souris.

Q. In 1875 and 1876 the fleet was considerably reduced in number?—  
A. Yes.

Q. You cannot give an estimate of the reduced number?—A. I cannot. I have seen a number run on the coast during the winter, and I had conversations with some of the captains, but I never found out an idea in regard to the number. We have not had nearly so many frequenting the port of Souris as in former years.

Q. What has been the result thus far for the present year?—A. There appears to be quite a number of American vessels in our port this season. They have been making catches of mackerel near East Point.

Q. Taking the present year—did you ever know the number of vessels greater at this time of the year than now?—A. The American fishermen do not remain at Prince Edward Island. The greater portion of the vessels go north in the spring up to Gaspé and those points for mackerel, and they work down as the mackerel grow fatter, after spawning, and they catch them round Prince Edward Island.

Q. The present indications are that there will be a large fleet there this year?—A. They do not afford ground to judge by; but we have heard from some of the captains—we have heard from Captain Lee, of the schooner Clark—that quite a number of seiners would come in there; they tell me a fleet of over 400 seiners.

Q. And what would be the number of jiggers?—A. I did not inquire. Some of the vessels have taken 200 barrels in two days on the north shore with their seines. One vessel took 220 barrels.

Q. What is the effect of the seining?—A. They take in large quantities of mackerel, herring, and other sorts of fish in the purse-seines. In time fish die in the seines and when they are thrown overboard they poison the ground. They dress the mackerel and throw the offal overboard, which is a great injury to the parties who follow fishing in boats. That arises from the offal and dead fish being thrown overboard. Mackerel are very timid, and if you make a noise when they are in schools they get away scared. When the seines are thrown round you cannot find any mackerel there after a day or two.

Q. Then the result is very injurious?—A. Yes.

Q. And the fishermen destroy a large number of fish?—A. Yes; of the smaller fish and herring.

Q. They dress them on the vessels?—A. They do after a certain time. The seiners do not have as many men in a crew as the jiggers; they have not crew enough to dress the fish.

Q. Within how long after the time of being caught must mackerel be dressed to turn out good fish?—A. They should be dressed immediately to be good fish, within half an hour or an hour, particularly in hot weather; within two hours, in hot weather, after being taken.

Q. Is a large proportion of mackerel destroyed in that way or not?—  
A. A pretty large proportion.

Q. Besides other fish?—A. Yes.

Q. Besides destroying the fish, you have said that they poison the water?—A. They generally anchor to fish close in-shore and throw the offal overboard.

Q. Is that an injury?—A. My experience in regard to the fish is this: if even a bucket of bloody water is thrown overboard where mackerel are you will not be able to get any for a short time. They go down to the bottom.

Q. Then your opinion is that the throwing of offal overboard is injurious?—A. Yes.

Q. Where do the boat fishermen dry the mackerel?—A. They take the fish to shore to dry them, unless they are large vessels which are fitted out for the season to be off the coast all the time. They land the fish on stages, and dry them on shore.

Q. What is the practical result, supposing a vessel dries mackerel today at a given point, would the fish be found there the next day or not?—A. I think not. Where there is a large fleet and they dress mackerel on board you seldom find the fish there next day. They make a rule when fishing along the coast to dress mackerel when working to windward, so as to keep the vessel clear of the ground along which they are fishing.

Q. Will you state what portions of the shore of Prince Edward Island mackerel most frequent?—A. From Georgetown, on the shoals, Grand River, round to East Point and Souris Harbor—East Point is a very good place—along the second chapal down to St. Peter's. Mackerel is a shoal-water fish; they are seldom taken in deep water, except when crossing from one point to another. They are found on banks or shoal grounds. Their bait and little fish work toward the coast and the mackerel follow it inshore.

Q. What time of the year do they take them at East Point and Georgetown?—A. They commenced about the time, or rather ten days ago—from about 10th July or 15th July to September or October.

Q. And the same applies to Cape Breton?—A. They generally take the fish later there. The large catches are taken later in the season. When the mackerel settle down after the heavy winds from the north they take them on the Cape Breton coast.

Q. There are some mackerel caught in the open bay?—A. Yes; there is a small portion; but from my experience and conversations with captains generally, I think that the number of mackerel taken at any distance from the shore will be very small. They always gave me the idea that it was only when the mackerel were shifting they took them except on shoal grounds and Banks Bradley and Orphan.

Q. When you fished yourself where did you take mackerel?—A. All within three miles of the shore.

Q. Then the statements you heard from the captains corresponded with your own experience?—A. They always set the most intrinsic value on the inshore fisheries.

Q. What proportion do the mackerel-catchers take within the three-mile limit?—A. From my own experience in fishing, and from the quantity I have seen taken when fishing, there would be seven-eighths taken within the three-mile limit, even within two miles. I may fairly say three-fourths of the whole, from conversations I have had with different captains. A few have given me to understand that they have caught mackerel on Banks Bradley and Orphan; but they don't take large catches there. They are, however, large mackerel. A few Newburyport vessels used to go there some years ago, but lately they don't fish there at all, except for a very short time in the spring.

Q. Can you account for the mackerel coming so close to the shore? Can you give any reason for it?—A. There is generally a large quantity of small fish, bait, along the shore.

Q. On what do the mackerel feed?—A. Some small kinds of fish, lants, and shrimps.

Q. And these are found close to the shore?—A. Yes, generally. I omitted to state that I went out to George's Banks in the winter of 1860

on the cod-fishing business. I went to see how things were getting on. I made three trips.

Q. In an American vessel?—A. Yes; in the Happy Louis.

Q. Can you speak with regard to the efforts made by the cutters to keep American vessels outside of the limits; what was the result?—A. The cutters did some good in this way: when cutters were in the immediate neighborhood American vessels did not venture within the three-mile limit, but as soon as the cutters were gone they did so. For instance, at East Point, when the mackerel were on both sides, and the vessels fishing on both sides, the American vessels would run out when the cutters came round, but turn in again within the limits and fish when the cutters had left. It was the same on the north shore. Then, when vessels were at Mageree Island and had a school of mackerel there, and no cutters, the American fishermen had a free chance to fish inshore; and when the cutters were there, they would not be at Prince Edward Island and they could fish close inshore.

Q. How could they afford the risk of entering the limits?—A. It was this way: These vessels were fitted for trips for mackerel, and when they could not get the fish outside they would run great risks to get them; they were bound to get a trip. They were never afraid of any information from the country people, with whom they were generally on friendly terms.

Q. Speaking with regard to the three-mile limit, would fishermen engage in the business if they were excluded therefrom?—A. I think not. I do not think, if I had a vessel and were going to engage in the fishery business, I would engage in it if excluded from the inshore fishery. It would be a too uncertain business. You might catch some mackerel outside, but there probably would be none at all outside. You might happen to hit them, but not in any large quantity.

Q. Apart from running the risk, would any prudent man engage in the business under such conditions?—A. I would not engage in it.

Q. With regard to the boat-fishing in Prince Edward Island, will you tell the Commission whether that has increased to any material extent?—A. It has increased lately.

Q. To what extent?—A. I suppose it has doubled during the last few years.

Q. These boats will take the fish within the three miles?—A. Yes.

Q. Can you form any estimate of the number of the boats engaged?—A. As regards the eastern section of the country, I could.

Q. Show me what you mean by the eastern section.—A. Say, from Grand River or Georgetown round to St. Peter's; say, King's County.

Q. Including Murray Harbor?—A. I leave out Murray Harbor.

Q. How many boats were engaged fishing there?—A. I should say between 80 and 100 boats from Georgetown, 60 boats out of Souris, between 80 and 100 boats from Souris to East Point; from East Point to St. Peter's, I should say, 80 or 90 boats.

Q. Now, is it an advantage to these boats to have the American fleet fishing alongside them?—A. It is a decided disadvantage.

Q. Explain in what way.—A. One reason is, that the boats throw over a smaller quantity of bait for the mackerel than the vessels do, and very often the fleet of boats may have the mackerel inshore, and the vessels will come alongside and throw out a much larger quantity of bait and take the mackerel from the boats; and in rough weather they drift down, and the boats have to stand clear.

Q. Do the boats fish at anchor?—A. Sometimes at anchor and sometimes drifting. In some places they fish at anchor almost altogether.

Sometimes they fish on the spring, bringing the boats to the wind so that they all have a chance to fish. They anchor, and turn the boats sideways to the wind. Vessels also in calm water often fish on the spring.

Q. Is it looked upon as an advantage or a disadvantage to have the American fishing fleet in the neighborhood?—A. As a decided disadvantage. They look upon it as the end of good fishing when they see a large fleet of vessels coming in where they are fishing.

Q. Is it a fact that the extra bait attracts the fish to particular grounds, and makes it better for the boat fishermen?—A. I don't think it attracts the fish to these grounds. The mackerel have certain grounds round the shores which they frequent. They visit these grounds whether the vessels come there or not. The vessels break up the schools and send the fish somewhere else. They come and dress the fish close inshore. In heavy weather they run inshore, and they throw the anchors down, dress the fish and throw the offal overboard.

Q. Supposing 60 or 80 boats were out of Souris harbor fishing and the fleet struck in among them and dressed their fish, would any mackerel be there next day?—A. Not in any great numbers. You could not expect to get nearly so many.

Q. You would get some?—A. Yes.

Q. The Americans have not come down during the last two or three years in such large numbers?—A. They have not.

Q. What has been the result so far as the island fishing is concerned? Have the fish been plenty? Do you remember 1874? What kind of a year was that?—A. A large quantity was taken that year.

Q. Has there been a better year for many years past?—A. I don't remember a better year for boat fishing.

Q. What kind of fish was taken?—A. Mackerel.

Q. They were good fish?—A. Some were large, but they were not so good as I have seen them. They were not a very large run of mackerel.

Q. In 1875 and 1876 what was the result of the boat fishing?—A. It was not so good.

Q. What kind of fish were they?—A. They were fully better fish.

Q. And were they taken inshore or offshore?—A. Near to the shore. I have seen myself along the coast for miles, as far as the eye could see, vessels among schools of mackerel, and schools of mackerel as far as the eye could see, either way, along the coast right inshore. I have seen mackerel taken with jigs in two fathoms of water.

Q. Can you speak with reference to what was witnessed on the west shore of New Brunswick up to Gaspe?—A. I have never been fishing in that quarter. I have only learned matters from captains who have fished there.

Q. What was the general information you obtained as to the place where they fished?—A. They always fished close in and up along Caraquet, and across to Gaspe and round. They always fished close up the shore.

Q. You say that the presence of the American fleet is not an advantage but a disadvantage to the island fishermen; are there any advantages in any way?—A. I don't know of any advantages.

Q. Are there any other disadvantages connected with the presence of a large American fleet on our shores?—A. There may be some small disadvantages which are not worth mentioning here. They very often frequent the harbors; some are pretty rough customers, and it is pretty hard to maintain order when a crew of these fellows get ashore. I have

never had a great deal of trouble with them myself, but I have seen other parties have trouble with them.

Q. Is it looked upon as a special benefit to Prince Edward Island that they frequent there and catch fish?—A. It is looked upon as a decided disadvantage, because they supply their own markets with fish. The most of the farmers on the shore have boats and fish. They fish in May, June, July and August. Some of the very best farmers along the seaboard have boats and employ men fishing part of the season.

Q. They don't view with any degree of love and don't regard as a benefit the presence of the American fleet?—A. They do not.

Q. The contrary, you say?—A. Yes.

Q. Is it not an injury?—A. It is a decided injury.

Q. Is it a material injury?—A. It certainly is a very great injury.

Q. It is, of course, a benefit, all things being equal, that we should get our fish admitted into the United States duty free. Would you consider that as an equivalent for the right to fish in our waters?—A. To have the duty of \$2 taken off I should think was no equivalent at all.

Q. Explain why you hold that opinion?—A. Because I think that if the American fishermen were not allowed to come into our waters, close inshore, our vessels would be quite safe in fitting out for making very large catches of mackerel.

Q. When you have large catches of mackerel, how do you dispose of them to advantage?—A. We dispose of them in the best way we can. The American market would require them, and the Americans would have to give more than the \$2 per barrel duty.

Q. You would have the control of the market?—A. The control of the market to a very great extent. If their vessels were excluded from our coasts we would have the advantage in our own hands.

Q. Would the amount of duty imposed have anything to do with it; suppose it was \$2, \$2.50 or \$3 per barrel?—A. No.

Q. Who would have to pay it?—A. The Americans would have to pay it indirectly.

Q. But with the presence of the American fleet catching side by side with our fishermen, you look with some disfavor on them?—A. Yes.

Q. Why?—A. Because they have the same advantages as our fishermen, while we have to pay \$2 per barrel in gold to have them placed in the United States market.

Q. If your privileges were preserved intact, you would be quite prepared to pay the duty?—A. We are quite satisfied to have the duty on, so far as I am concerned.

Q. Can you speak with regard to the advantages arising from transhipment of fish to the American fishermen?—A. Yes.

Q. Just explain?—A. Having the right to tranship fish saves a great deal of time in the very best of the fishing season. It occupies from 12 to 20 days, perhaps longer, from 12 to 24 days, for vessels to go home to the United States and refit for another trip, and during that time it may be the very best of the fishing season, and a vessel remaining in the bay may perhaps have a whole trip during that time. If they land their fish in the provinces, say at the Gut of Canso or Souris, for example, and get them sent home in sailing vessels or steamers, they might have another trip, where otherwise they would be away home with their fish.

Q. Is that the practical effect of the granting of that privilege?—A. That is the practical effect in my opinion.

Q. Suppose you were asked to place some kind of approximate value on the privilege of transhipment, what would you place it at?—A. I

have had conversations with captains who were just about going to the United States, who, on their return, told me they had spoken vessels going into Canso, or close at hand, who had got nearly a trip, 200 or 300 barrels, during the interim, while they were away home with the trip. These vessels which they had seen coming into the bay as they were going home had taken 200 or 300 barrels while they were going home. They took very large catches. Mackerel is a fish that is often caught in large bodies. One hundred barrels a day is taken by some of the schooners with jibs.

Q. You say this is the most valuable part of the season—when they have to go home with the first catch?—A. It does not matter whether it is with the first or second. The second trip would be generally about the middle of August, when there is generally the best fish, particularly about Prince Edward Island. I have seen vessels make a full fare right round the north side and the south side, say in three weeks, in August and September.

Q. Then does the transhipment privilege enable them to make an extra trip?—A. It would enable a vessel fishing the whole season to make an extra trip. For instance, a vessel with the privilege of transhipment will make three trips where she would not be able to make over two if she went home with the mackerel. Another advantage is that they can tranship at a port. Souris is right in the fishing ground, and they can run in and refit some day when the wind is blowing from the north and they cannot fish, and be able to go on the fishing ground the next day, the fish being forwarded by steamer. They might also run to Port Hood or Port Mulgrave.

Q. Your practical experience of fishing off Prince Edward Island and Cape Breton is that three-fourths of the catch is taken within the three-mile limit?—A. They are.

Q. And that the presence of the American vessels is an injury to the boat-fishing?—A. Decidedly.

Q. And that it is looked upon with dislike and disfavor by the people?—A. Yea.

Q. That the offal thrown overboard poisons the fishing ground?—A. Yes; it fouls the ground so that there will be no fish there until a heavy wind has washed it away.

Q. Have the Americans of late years bought their cod-fishing bait here?—A. Yes; they have to buy their whole cod-fishing bait in the Dominion.

Q. Is that a great advantage?—A. Without it they could not prosecute their cod-fishing at all. It affords employment to vessels which go mackerel-fishing during the winter. They go down to Newfoundland and take bait, and they very often go south in spring for fruit, or after the mackerel.

Q. What other articles do they get here besides bait?—A. Very often wood and water, potatoes, carrots, and vegetables.

Q. Do they get ice?—A. They don't get ice in our harbors. When the American vessels are out on long trips they have to call in and get stores, for it would be inconvenient to carry all the stores from home with them. Besides, they generally get the fittings cheaper in the provinces than they can at home.

Q. Can you tell us what has been the price of mackerel during different years?—A. I have a pretty good idea. They would average, from 1854 to 1874, \$14 or \$15 per barrel.

Q. Can you give the price during any separate year?—A. I cannot;

but during some years they would be as high as \$25 per barrel for No. 1.

Q. How low have they gone?—A. To \$9 or \$10 per barrel.

Q. Have No. 1 quality ever gone down as low as \$9 or \$10?—A. I never knew No. 1 as low as that; \$14 or \$15 is as low as I have ever known of.

Q. And they have gone up to \$25?—A. Up to \$25 or \$26.

Q. Are you giving the price in gold or currency?—A. The gold price.

Q. Do you know what the prices are running at this year?—A. I am not aware what the prices are.

Q. Are you aware whether the catch on the American coast has been large?—A. It has been slim. I am speaking from information gleaned from different quarters.

Q. From whence did you derive your information?—A. From American fishermen and from letters of commercial men.

Q. Who have been fishing on the coasts themselves?—A. Yes; one captain particularly who seined on the American coast could find no mackerel along there, and he came down to Canso and telegraphed and found there were plenty of mackerel in the gulf. He came down here and seined along the north side.

Q. Has he been successful there?—A. He had just taken 45 barrels when I saw him; he had only made one haul in shoal water.

Q. If he had not had the privilege of coming down he could not have used the vessel fitted up for any other purpose and made it pay?—A. He would have had to have gone home.

Q. There is no other place where he could have prosecuted the mackerel-fishing except on our coasts?—A. No.

Q. Do you know anything about cod-fishing?—A. Yes.

Q. Is that followed to any extent around Prince Edward Island?—A. Not by Americans; not to any very great extent. They fish along from North Cape to Cape Breton. Quite late in the summer vessels are fitted to go down there trawling. They generally go down to the Magdalen Islands or Anticosti to get herrings for bait and go back to Cape North for fish. They catch them in trawls. Occasionally they come to the island and trawl along the coast. Some have been trawling for hake during the summer season.

Q. How close to the shore?—A. The best fishing is in 10, 12, or 14 fathoms.

Q. Do they catch halibut along the shore?—A. They do.

Q. Not to any very great extent?—A. No.

Q. Is it true the people of the island have not prosecuted the cod fishing?—A. Not very much; there is cod-fishing up along Bradley Bank.

Q. Is there good fishing there?—A. Yes; very fair.

Q. Is it prosecuted by the island people?—A. Yes, to a very great extent in boats.

Q. Around the shores?—A. Close inshore, in from 2 to 20 fathoms.

Q. The fishing interest is a very large interest in the island?—A. A very large interest.

Q. A good many hundreds of thousands of boats are engaged in it?—A. Yes.

Q. All around the coast?—A. Yes.

Q. So far the Americans are not engaged in the cod-fishing business there?—A. They find the mackerel-fishing during the summer season pays better.

Q. With regard to the bait in use for cod-fishing and mackerel, where is it obtained?—A. They very often use herring and sometimes pogies.

Q. Where do they get the herring?—A. They catch them around the coast and at Labrador.

Q. Are herring caught there?—A. Yes; there is quite a lot of herring taken.

Q. How far from the coast?—A. Within half a mile of the coast.

Q. In the spring?—A. In the spring and summer.

Q. The different fishermen—the large fishermen, the small fishermen—don't they all catch their own bait?—A. Yes, with nets, and for mackerel-bait they take capling—a very fat little fish—and they make out that it is better bait for mackerel than pogies. They catch them in certain ponds.

Q. But the large proportion of the bait is herring?—A. Yes; but they use pogies which they often buy for bait.

Q. To any extent?—A. The vessels which go fishing generally buy them. They prefer herring when they cannot get pogies good.

Q. Where do they buy pogies?—A. They generally buy them on the island, where they are imported.

Q. They buy them from the merchants?—A. Yes. It would not pay to send down to American waters to fish for pogies for the number of vessels engaged in mackerel-fishing.

Q. They prefer to take herring to do that?—A. Yes.

Q. Have you ever known of any island, Cape Breton, Nova Scotia, or New Brunswick vessel leaving our waters and prosecuting fishing operations in American waters?—A. I have never known of any such case.

Q. Do you think any prudent man would so act?—A. I don't think any man would leave our own good fisheries and go down there. I don't think it would be profitable.

Q. As a matter of fact it has never been done?—A. To my knowledge it has never been done.

Q. Do you know anything of the herring fisheries of the Magdalen Island?—A. I have been there, but we got no mackerel.

Q. Is the mackerel-fishing prosecuted as much there as around Nova Scotia, New Brunswick, Cape Breton, Prince Edward Island?—A. Vessels frequent there, but not so much as they do Prince Edward Island and Cape Breton.

Q. Why?—A. One reason is that the weather there is stormy, and they seldom have large catches there. They may pick up a few mackerel around the coast, but they seldom get large catches.

Q. Supposing American fishermen were allowed to fish there and excluded elsewhere, do you think it would pay to fit out the American fleet?—A. No; for sometimes they would not get any mackerel.

Q. How is the herring fishery there prosecuted?—A. By netting and seining.

Q. Do they use the shore for the purpose of netting?—A. Yes.

Q. Describe how it is done.—A. I have never been there myself—not seining herring—but from what I can learn, it seems they cast their nets in the bay and take the herring on shore or into the vessels. The manner adopted formerly was to drag the nets to the shore. It has only been during a year or two that herrings have been taken with purse seines there. A good deal of herring is taken for bait in Newfoundland.

Q. Can you form any estimate of the catch of mackerel of the American fleet?—A. Yes; for a number of years, but it would be very difficult

to take one year. For the twenty years, from 1854 to 1874, I should say that the average catch would be about 500 barrels per vessel.

Q. As a rule, did you find the quantity from the captains of the vessels?—A. When I lived at East Point they frequently came ashore, and I had often conversations, particularly with the more intelligent men (there were some fine men among them), and they were very glad to have a chat and tell and explain all about the fishing. From what I learned from them and my own experience in fishing I should judge that each vessel would take 500 barrels. Some have taken far more, and some less than that; some of the large class of vessels took from 700 to 750 barrels.

Q. When you speak of 500 barrels, you average that as the result of the season's work?—A. As the average of the season's work; some were far in advance, and some not so much. That is from my own personal knowledge, having been among the fleet while they were fishing, and having traded a good deal with them, and having seen them very often. I think that is as close as I could go to the average catch per vessel.

Q. Do you know much about the cod fishery? Where do you consider is the market our for cod-fish?—A. The principal part or a large amount of the island cod-fish is shipped to Halifax.

Q. It is not exported to the United States?—A. Not from Prince Edward Island; they do not ship many to the United States.

Q. There are a great many cod-fish dried in Prince Edward Island?—A. Quite a number.

Q. A good deal is shipped to the West Indies?—A. A good deal is sent direct, and some is shipped to Halifax.

Q. The large dealers send direct to the West Indies?—A. Yes.

Q. What is sent here is sent for what market?—A. It is sent to the merchants, who forward it to the West Indies.

Q. I understand you know it is shipped by those merchants to the West Indies.—A. We know generally with whom the parties deal, and we know they buy for the West India merchants.

By Mr. Dana:

Q. You told us that there was an unfriendly feeling among the people of Prince Edward Island toward American fishermen, so much so that they would not give them correct information about the fishing. Do you understand that to extend pretty generally through Prince Edward Island?—A. I don't remember of having made such a statement.

Q. Your statement was that the shore people have an unfriendly feeling to the American fishermen, so that they don't go to them for information.—A. No; I don't remember having made that statement in regard to the shore people having an unfriendly feeling toward Americans. I think it was in regard to boat fishing.

Q. Kindly state in what form you put it.—A. I don't remember in regard to that.

Q. Don't you remember saying anything in regard to the unfriendly feeling?—A. I don't remember using those words.

Q. Do you mean to say you did not use them?—A. That there was a bad feeling?

Q. Not bad, but unfriendly. Don't you remember using those words?—A. I don't remember having used that phrase.

Q. If you did use it, where did you mean it to apply?—A. I don't remember having said there was an unfriendly feeling between the fishermen and the people of the province.

Q. But an unfriendly feeling on the part of the shoremen toward the fleet?—A. I remember saying that fishermen did not look upon the appearance of the American fishermen in a friendly way.

Q. The phrase you used was that the American fishermen did not inquire of them for information about the fisheries because of the unfriendly feeling held toward them.—A. I don't remember having made that statement.

Q. Do you mean to say you did not say it?—A. I am not aware that I said it.

Q. Do you mean to say there is not such an unfriendly feeling, whether you said it or not?—A. Between the fishermen or the people generally?

Q. Is there an unfriendly feeling between the men engaged in the boat fishing of your island and the American vessels?—A. They don't like to see them among them in the fishing season.

Q. To what extent does that go? You said the Americans did not go to them for information because of that feeling.—A. I don't remember having used that phrase.

Q. Do the Americans go to them for information?—A. In regard to fishing—yes.

Q. To get information as to where to find the fish?—A. I have often seen them come ashore and talk over the fishing, and whether we have heard where the catches have been taken.

Q. Is there, then, a friendly feeling between the boat fishermen and the American fishermen or not?—A. No; because they take our fishing.

Q. Another reason is because the demoralizing effect of the presence of American fishermen on your coast when they come ashore; do you think that is deeply felt by the people of Prince Edward Island?—A. It was pretty deeply felt, it seems, at times.

Q. Do you think the morals of the people of Prince Edward Island have clearly advanced during the two, three, or four years the American fishermen have been less common?—A. When we talk of Americans we speak of all the parties among the American fishermen. Of course there are very rough crowds among them. It is no advantage in any moral point of view that they frequent the island.

Q. Do you think the United States gains by their absence when they come here, on account of the demoralizing effect of their presence?—A. I don't know in regard to the moral effect, but in a pecuniary point of view they would gain by their absence, because they take back large quantities of fish.

Q. So what with interfering with your fisheries and the demoralizing effect of the American fishermen, your people would prefer that the American fleet went elsewhere?—A. Yes.

Q. You think it is a great error on the part of the British Government to make this treaty?—A. Yes; we think so.

Q. You would rather have the fish all to yourselves?—A. Yes.

Q. You think that is the general impression in Prince Edward Island—that the treaty is an error?—A. So far as I am aware, it is the general impression that we would be better off if we had our own fishery to ourselves—the inshore fishery.

Q. You say the American fleet interferes with the boat fishing?—A. Yes; they come close in among the boats; they take advantage of the fish you have raised by throwing over bait from your boat, and they get them.

Q. Do you suppose the faculty of taking that advantage is an American faculty particularly; would not British vessels do the same?—A. Americans do it.

Q. Don't you suppose if British and colonists were out there in their boats they would do very much the same thing?—A. I cannot speak on supposition; I never saw a British vessel do that, but I have seen it done by Americans.

Q. Have you seen British vessels there?—A. Yes; and I have been amongst them. I have never seen them lee-bow boats.

Q. Do you say they don't take that advantage?—A. I have never seen them take it.

Q. Do you say that British vessels would not do the same thing?—A. I suppose they would take the fish where they could.

Q. Would they not take the advantage of going among the boats?—A. It is looked upon as a small thing to lee-bow.

Q. It has excited a good deal of feeling?—A. Yes, some.

Q. Have you ever known British vessels to do that?—A. I have never seen it.

Q. Then it is an American habit?—A. They practice it.

Q. It has been stated that there were 400 or 500 American vessels fishing within three miles of the shore; how many British and Canadian vessels would be there?—A. I don't know the exact number of British vessels; not a very great number.

Q. How many vessels in the mackerel fishing are owned on the island; sixty or seventy?—A. Not that many.

Q. Is there one-tenth part?—A. I don't know; I have never paid any attention to it.

Q. Are there forty?—A. No.

Q. Did you not hear the statement of Mr. Chivarie, in which he placed the number at forty?—A. I did not hear his statement.

Q. Would you differ from him in regard to that?—A. With regard to the island vessels, I don't know the exact number. I have seen eight or ten or twelve out in the fleet at once. I have never seen British vessels lee-bow or foul, but I have seen them fishing there. Our vessels would go in and raise the mackerel, and American vessels would come in and lee-bow them.

Q. This is another reason why it is undesirable to have American vessels there—that British ships raise their own mackerel and then American vessels go in and fill their vessels?—A. That is done.

Q. That is the general impression in the island?—A. The Americans don't mind who raise the fish, but they go in and take them.

Q. All these matters which you have stated have not affected your testimony?—A. No; certainly not.

Q. You are just as well able to testify the exact truth without any color or exaggeration as if the Americans were your best friends?—A. I am here to do that upon my oath.

Q. You are quite sure you are able to succeed in it?—A. I am able to succeed in telling the truth.

THURSDAY, August 2, 1877.

The conference met at noon.

The cross-examination of Mr. MCLEAN was resumed by Mr. Dana:

Question. I understood you to say that the boat fishery on your island had doubled within the past three years?—Answer. Yes; I think this has been the case.

Q. You account for that in part, I suppose, by the absence to a great extent of the American fleet; you say that the presence of the American fleet has been very injurious to your boat fishing?—A. Yes.

Q. But nevertheless your boat fishing has doubled in extent?—A.  
Yes.

Q. And you reconcile these two statements by the fact that within the period during which this has doubled, the American fleet has not been much in your waters?—A. Yes. Besides, however, there is another cause: in consequence of the times not being so good in the United States latterly, a good many young men have remained at home, and they find that their own fishing proves more remunerative than any other business they can go into.

Q. But how long have they been found more remunerative and since when have these persons come back; it has been within these three years, I understand?—A. Yes; latterly.

Q. Why is it that your people do not build and fit out more vessels; they use boats for day fishing; would it not be better for them to cure as fast as they catch?—A. One cause was this: When the American vessels would come down, they practically had the privilege of fishing within the inshore limit, and as the colonists had to pay a duty of \$2 a barrel on the mackerel they sent into the United States, of course they could not compete with the Americans, who paid no such duty. British vessels could not compete, and a great many of the men left the English vessels altogether and went on American vessels, as they could thus make the most money.

Q. Fishing on shares?—A. They generally fished on shares on the American schooners.

Q. And then they had the advantage of paying no duties?—A. Just so. In Newburyport some used to hire a crew or a part of it, but as a general thing, from Gloucester, Portland, and most of the other American ports, they fished on shares.

Q. Is not this fishing business very largely centralized in Gloucester?—A. Gloucester is the largest fishing port.

Q. The business of Marblehead has very largely fallen off in this relation, and of all the other ports where they used to fish a great deal?—A. I think their business has fallen off to some extent. Gloucester is the largest American fishing port.

Q. As soon as they come to be on an equality and no duties were paid, no advantage was to be obtained by islandmen in going on American vessels. They do not gain anything by it?—A. I should not think so.

Q. I can understand the farmers who live on the coast fishing in small boats, but why do your enterprising men, merchants and young men, not take out fishing vessels of 60 and 120 tons?—A. Many of these fishermen are farmers; they find it convenient to prosecute fishing during a certain season, and attend to farming during the remainder of the season.

Q. There is another reason, I suppose, is there not? Owing to the climate and the amount of ice you have about Gaspé, the Gulf of Canso, et cetera, your vessels have to be unemployed, if built for fishing purposes, for so large a part of the year, that it would hardly pay?—A. We could send them south on trading trips.

Q. When would you have to send them?—A. Any time; generally during the month of January; they can generally come down during January—during the early part of that month, at all events. I have seen vessels cross in February.

Q. How is it in November?—A. They have during that month a chance of crossing.

Q. Could you then go from Prince Edward Island to the United

States coasts?—A. In some seasons navigation closes much earlier than in others. Sometimes the 25th of December is the latest date when they can get across.

Q. What would be the average time you would think they would have to lie up, if they did not get out toward the new year?—A. I would say from about the first of the year to perhaps the 1st of April. They could not well get back until April or May. This would not be the case, however, every season. Some seasons I have seen vessels cross in March.

Q. How are the vessels at present of the island employed during the winter?—A. They generally lay the smaller ones up during the winter, but the larger ones are sent coasting to the West Indies.

Q. You mean for trading?—A. During the winter season and the spring they might go fishing, and early in the spring they could prosecute the Cape North cod-fishing, and go to the Grand Banks. In fact, if they wish, they could go from Souris late in the fall, say, during the latter part of November or early in December, and proceed to the Grand Banks, and fish during the winter.

Q. Then, from the Grand Banks it is about as near and safer to run to the United States than to come home here, is it not?—A. Well, it would be convenient for them to run into Canso or any of these harbors—Halifax, for instance.

Q. Or to Eastport, Portland, and Boston; there is not much difference, is there?—A. There is only the difference in sailing; they would not be troubled with ice.

Q. You told us yesterday that if you had a Reciprocity Treaty generally, so that all your produce could be sent into the United States duty free, you would prefer it; you think that would be really a benefit and boon to the island?—A. It would be so; but it would not be equal to having the fisheries kept altogether to ourselves. Reciprocal trade would not equal this in advantage for us.

Q. You do think that a Reciprocity Treaty would be of itself a boon to the island?—A. It would be an advantage, but, in my opinion, it would not be equal to the privilege of controlling our own fisheries.

Q. What, under such a treaty, could you export besides fish?—A. Potatoes and oats, the products of the soil, and perhaps hay.

Q. Is it the general opinion in the island that this is what you ought to have, and what it would be expedient and proper to have?—A. It is the general impression that this would be an advantage; but, as I have told you, it would not be equal to having our fisheries to ourselves.

Q. As it now stands, you have only the chance to export fish and fish-oil, and you don't think much of it?—A. No.

Q. You said, I think, yesterday, that if the American fleet could be kept three miles off these coasts, or if the Americans saw fit to withdraw from these fisheries, you could command the American market, even, under a duty of two dollars?—A. That is my impression.

Q. You could not do that by boat fishing, could you?—A. I think we could.

Q. Do you think that day bay fishing would enable you to command the American market?—A. We could prosecute the fishing in boats and send the fish off in vessels.

Q. As the boats stand now, and with no duty to pay, you told us nevertheless, that you sent very little fish and fish-oil to the United States?—A. This relates to codfish.

Q. Take the other fish—herring and mackerel.—A. All the mackerel go to the United States, I think.

Q. All you send away?—A. I think so.

Q. What proportion of the mackerel caught by the boats—not by the larger craft—do you think goes to the United States?—A. I think that the greater portion of them do.

Q. Two-thirds or three-quarters?—A. I should think so; yes.

Q. How are they sent there?—A. Generally by steamers and sailing-vessels.

Q. You have no vessels specially fitted for that purpose?—A. We have traders and coasters; when packets were running they were sent by them, but steamers have taken their place.

Q. And freight has to be paid?—A. Yes.

Q. Do the farmers do this business, or is it done through some commercial house?—A. Some of the farmers who are pretty independent, and who fish, send away their own fish; sometimes this is done through an agent or commercial man.

Q. Some commission has to be paid?—A. Yes; in all cases.

Q. Freight and commission to the person who sells them for you at Boston, or wherever it may be?—A. It is generally supposed so.

Q. And still it is so profitable that two-thirds or three quarters of your mackerel are sent to the United States?—A. I think the principal part of the mackerel is sent there.

Q. I suppose there are not inhabitants enough at home who care to eat the mackerel the great part of the time?—A. They do not like these fish all the time; but they generally keep a barrel or half a barrel of the best class for winter use. It is what they call mess mackerel.

Q. You think that if you had these fisheries to yourselves, this fishing to yourselves, the boat fishing would very largely increase?—A. I think it would.

Q. And new vessels would be built?—A. That is my impression.

Q. It would stimulate your industry?—A. The fishermen would at once very actively engage in it.

Q. After securing the mackerel fisheries, the great point would be to get the American market. The home consumption would not increase with an increase of production?—A. It would not be very large.

Q. You think that the right of transshipping, buying bait and provisions in your ports, possessed by the Americans, is a great advantage to them?—A. Yes.

Q. Do you understand that this privilege is given by the Treaty of Washington?—A. I do not remember so now very distinctly.

Q. How is it generally explained to you by your public men, your statesmen, and the members of your legislature? I believe you are a member of it. Has it generally been stated to your people that the Americans secured this by treaty?—A. I think it is generally so.

Q. And it is generally understood in the island that this is something for which Americans ought to pay, and that it comes in among the rights for which they ought to pay under the treaty?—A. Yes.

Q. Is the advantage altogether on the side of the Americans? Do the people of the island sell these things to the Americans merely to benefit the latter, out of friendship, or is it a convenient transaction?—A. The advantage obtained in selling these things to the Americans is not very great.

Q. Do they do it out of pure friendship?—A. In most cases when they call, sometimes in harbors and sometimes along the coast, it is done at a season of the year when the farmers are very busy, and the loss of time incurred in providing these articles does not pay them with regard

to what they sell. They never get a high price for them. The Americans generally buy cheaply.

Q. Why is this? Do products not bring their value here as in other parts of the world?—A. Prices are pretty low in that region. The fishermen are practically unacquainted with rates, and therefore the Americans get provisions and outfits at a cheap figure.

Q. The people of the island must have a motive for selling them? They do not do so out of benevolence, do they?—A. No man likes to refuse a seaman when he calls for any stuff he can get or possibly spare.

Q. It is done rather on the ground of humanity than for commercial reasons?—A. Yes, to a certain extent. Of course, in many other cases, people make it a point to trade with the Americans.

Q. Then, are these persons who sell cheaply to Americans on the ground of humanity, the same with those who withhold information of the grounds from want of friendship? You mentioned yesterday that some had an unfriendly feeling toward the Americans, owing to their being on the coast. Are there two classes on your island—those who like the Americans and sell to them out of humanity, and those who dislike and wish them off the coast?—A. Those who are more actively engaged in the fisheries have more enmity against the Americans than others who farm exclusively.

Q. Who sell the Americans these articles?—A. The farmers.

Q. And they are fishermen, too?—A. Some of them are.

Q. Do they hold both views—selling cheaply to please the Americans and on grounds of humanity, and at the same time feeling unfriendly to them and wishing them off the coast?—A. I suppose some sell cheaply because they cannot get any more from the Americans. They take no matter what it may be in some cases, where they are far from shipping.

Q. Then the ordinary rules of commerce regarding buyer and seller do not hold in your island to a great extent?—A. In some quarters, in ports where there is much traffic, of course they have generally fixed prices, as at Souris, Charlottetown, and Cascumpeque, and these places.

Q. Is much stuff sold them on the south side of the island, as at Charlottetown, &c.?—A. Yes, a great deal; but not so much at Charlottetown as elsewhere. These vessels do not generally go to Charlottetown.

Q. Do not the Americans come to these ports?—A. They do not run up the straits very often. It involves a good deal of delay. Sometimes they come and refit at Charlottetown and send their mackerel home, but this is some distance from the fishing-grounds, and the passage occupies a good deal of time.

Q. Do you mean that the farmers traffic with them very often?—A. Yes.

Q. What can they get from the farmers?—A. Butter, milk, potatoes, cabbages, turnips, parsnips, beets, beef, mutton, and anything of that sort.

Q. They do not sell bait, do they?—A. No; they most generally go to the ports for it.

Q. I suppose that the merchants are governed by the rules of trade? A. O, yes.

Q. They sell to make money?—A. Yes, as a general thing.

Q. Has not this traffic with the Americans been going on for many years?—A. Yes; as long as I can remember.

Q. Did you ever know this trade to be interfered with by the authorities?—A. They are not allowed to go on shore and trade, but they can buy for cash anything they actually want.

Q. You never, from your boyhood, knew of this purchasing to be interfered with?—A. No; some, of course, carry on trading speculation.

Q. Do you mean a coasting-trade?—A. Some of these fishermen used to carry articles of trade with them, which they would like to barter off.

Q. That was done to a considerable extent?—A. I think it was likely.

Q. Would you be willing to admit, Mr. McLean, that on the whole this trade was of some advantage to the islanders?—A. The advantages gained were very small.

Q. You would put them very low?—A. Yes. If the farmers who sold their produce to the Americans kept it until the fall or spring, I think they would always realize more for it.

Q. Then you are of opinion that the Prince Edward farmers do not understand their own business? It amounts to that, does it not?—A. I would not say that; but many of them are not very well posted in commercial matters.

Q. Have you not said as much?—A. I will say this, that if they held over their produce for the spring or fall markets they would get more for it than by trading off to the Americans.

Q. What has led them into a mistake of such long standing?—A. I cannot account for it.

Q. You say that the Americans buy bait for cod-fishing to some extent of your people?—A. They get bait on the Newfoundland coast, on the cost of Anticosti, and at the Magdalen Islands.

Q. Do they buy bait for cod-fishing on Prince Edward Island?—A. I do not think that they purchase a great deal of it there. When they come into the fishing ports they sometimes buy bait, if it is scarce, when parties have it on hand for sale.

Q. And your own people are buying bait from the United States?—A. They sometimes do so.

Q. You said that they very often bought pogies which were used by your people?—A. Yes.

Q. You mean menhaden—it is the same thing?—A. Yes.

Q. Where do the merchants get their pogies?—A. From the States.

Q. Do you really suppose that the American fishermen, instead of buying menhaden from first hands, would buy them of your merchants, paying their profit, and commissions, and freight, and all that?—A. Yes. I have seen these fishermen buy them when their own bait had turned sour or was bad. If the merchants have a quantity of good bait on hand they can generally sell it.

Q. Is that considered an article of trade?—A. No; not to a great extent.

Q. Then the Americans get caught; their bait sometimes turns sour?—A. Yes. Consequently, of course, if out with other vessels fishing, a vessel having bad bait could not secure her share of the fish.

Q. Can they not catch something else to be used in place of it; herring, for instance?—A. Not always. The mackerel-catchers could not wait for this. Their business is to catch mackerel.

Q. But they can obtain it at the Magdalen Islands?—A. It would take too much time to cross to that point.

Q. Your own fishermen could not get across any sooner?—A. No.

Q. If you could fit out a great number of large vessels for mackerel-fishing, you would want to import a good deal of this bait, pogies or menhaden, would you not?—A. Yes; we would then, likely, import quite a lot of it. They could, however, use herring, if no mehaden or

pogies were thrown into the fishing ground. Herrings would do nearly as well.

Q. But the fish want something better?—A. Yes.

Q. What have you dealt in as a merchant?—A. Principally in dry-goods, groceries, and hardware.

Q. You import these goods?—A. Yes.

Q. Do you import from the United States?—A. We import some hardware and glassware from there.

Q. You do not deal in vegetables?—A. Not to a great extent.

Q. Or in cotton?—A. No; we do not do much in cotton goods.

Q. You do not, of course, import woolen or flannel goods from the United States?—A. No; hardware and glassware are the only things.

Q. You deal in them, and also what we in America call dry-goods?—A. Yes.

Q. So that you are more interested in that trade as a merchant than in any other way?—A. Yes.

Q. Do you as a merchant sell for cash altogether?—A. No; we do not.

Q. You barter?—A. Yes.

Q. You barter for fish, don't you?—A. Sometimes we take fish, but not to any great extent. We generally take produce, oats and potatoes, in exchange.

Q. To whom do you sell your goods?—A. To the people residing in the village and surrounding country.

Q. Do you never sell anything to the vessels?—A. Well, very little, of late years. We do not trade much with them.

Q. Do you keep lines and hooks and other things?—A. Sometimes we sell them.

Q. To your own people?—A. Yes.

Q. And to the Americans?—A. They very seldom require them. They generally fit out at home; but they may occasionally come on shore and get a few hooks and lines.

Q. Your place of business is at Souris, on the east coast?—A. On the southern and eastern coast.

Q. How many inhabitants has it?—A. About 1,500. It is not large.

Q. There are other stores in the place besides your own?—A. Yes; they number some twenty-five or thirty.

Q. What has caused so much trading in a place having so few inhabitants?—A. There is a large country around it.

Q. Has the presence of the vessels anything to do with it?—A. I do not think so; not to any very great extent. It is in a large farming country. The soil is excellent, and of course a good many articles are required by the population.

Q. Do you think that purse-seining on the American coast has, during the last three years, diminished the number of mackerel that came north into the Gulf of St. Lawrence and around your island?—A. I do not know that. I am aware that there are very few mackerel this season on the American coast. I have conversed with parties that have prosecuted the business there, and they were of opinion that seining is clearing out the mackerel on the American coast.

Q. Have you examined into the question to ascertain whether this has been the case?—A. No. I have nothing more on this point than the opinion of experienced captains.

Q. Do you know how largely day-fishing in small vessels is carried on in Massachusetts Bay?—A. I am not aware. I have only fished once, and that was eight years ago—in the fall of 1869. I went in a

schooner across to the Middle Bank in November, and was absent on the trip a short time.

Q. You said that you would be able to command the American market if the American fleet were withdrawn and a duty imposed. I do not mean a \$2 duty, but whatever Congress may see fit to put on. Of course if it were very high it would exclude you from that market.—A. Yes.

Q. Suppose it remained about \$2 a barrel, is not your theory that you could command a market of forty millions a little fanciful when you come to consider that, after all, your resources for doing that business are not very great?—A. No; I think not. I will give you an instance of it. Last season the potato crop in the United States was very short, and, notwithstanding the duty upon potatoes, these were shipped there in large quantities from Prince Edward Island. Of course the duty came out of the pockets of the consumers. We sold at very high prices and speculated in them. We obtained prices making it self-sustaining, and the parties who consumed the potatoes would have to pay the duties.

Q. They could not make the people pay whatever they choose to ask. They had to govern themselves by the actual state of the market, had they not?—A. The speculators would not pay more than the ruling value on the island.

Q. But the man who has to sell cannot command the market in the sense that he can fix his price. This must depend on the state of the market?—A. If we had plenty of potatoes and this was not the case in the United States, this would affect the price.

Q. It does not follow that the seller will never pay the duties. This depends on the state of the market. There must be a great demand?—A. I put it this way: The United States require a certain number of fish, and they would have to have them, but things might get into such a state that you could afford to pay the duty and still command the market. There is a probability of it.

Q. Has that event occurred in your life-time?—A. No.

Q. You say there is a great probability of it. Is that not a little fanciful; are not your views set pretty high?—A. I think it is quite a reasonable view.

Q. Do you suppose that the mackerel and cod fisheries, &c., of the United States are ruined? This is one of the conditions upon which you arrive at such a conclusion?—A. I do not think that the cod-fishery is ruined.

Q. But the American mackerel fishing is?—A. That is the impression.

Q. You assume that this is the case?—A. Yes, scining has done great damage to it.

Q. And you do not think that the Americans would be able to catch enough fish here outside the limit to be able to do anything towards supplying their market?—A. I do not think they could make it self-sustaining.

Q. And if the Americans cannot catch anything here or at home, then somebody has got to supply the market?—A. That is my impression.

Q. These conditions are necessary to your commanding the market?—A. Which?

Q. The conditions relating to the inability of the Americans to catch the mackerel on their own coast or here.—A. They cannot catch enough fish on their own coast, in my opinion, to supply their market.

Q. And if they did not come within the three-mile limit they could not do so here?—A. No.

Q. Or on your banks or anywhere else?—A. No.

Q. Then if all these conditions were fulfilled, and you were able to supply the requisite amount of fish by means of your boatmen, or vessels, you think you could command the market?—A. I think so.

Q. You would have a pretty bad start with forty fishing-vessels, and boats, with regard to commanding the American market?—A. We would soon increase their number.

Q. You would?—A. O, yes.

Q. Do you think you have capital and industry enough to do it?—A. Yes.

Q. But you have never tried it?—A. We tried, but we had to abandon it to a certain extent.

Q. Was not that largely due to want of capital?—A. It was owing to this reason: We had to pay \$2 a barrel duty on the mackerel we sent to the United States, and the men would not stay in the island vessels when they saw that the Americans were allowed to come and fish side by side with the British vessels, and catch an equal share of the fish; of course this was the result. The fishermen consequently went on the American vessels; our best men did so, and some of the very best fishermen and smartest captains among the Americans are from Prince Edward Island and Nova Scotia.

Q. They are still in command of American vessels?—A. Some of them are.

Q. Did not a good deal of the fish caught on Prince Edward Island get into the United States as American fish?—A. No; I do not think so.

Q. You do not?—A. Not as American-caught fish.

Q. Did not a very large portion of the fish caught get into the United States free of duty between the expiration of the Reciprocity Treaty and the ratification of the Washington Treaty?—A. I do not know what were the quantities.

Q. You know that a good deal did?—A. I am not aware what the quantities were.

By Mr. Davies:

Q. Can you explain to the Commission one great reason why the people prefer to fish in boats instead of in vessels? Has the cost of the fishing-vessel anything to do with it, and the facility presented for procuring fish on shore?—A. The cost of outfitting has something to do with it. Another reason is this: the mackerel generally frequent certain grounds along the coast, and if they fish in boats these can always be easily reached. They can run out to the grounds whenever fish are present there, whereas schooners might be busily employed to-day, while to-morrow a heavy breeze would take them away and they might have to remain in shelter for several days. They could not return until the gale is over, while the boats might take large catches during their absence.

Q. While the larger farmer fishermen employ hundreds and hundreds of boats in different parts, do they find it profitable to employ fishing-vessels of 65 or 70 tons?—A. Do they prefer boats? They prefer the boats.

Q. Perhaps you will explain why. Is it cheaper?—A. Yes; they are more convenient to the grounds. Vessels, however, very often take large catches at one time; in the schools they often get large decks.

Q. The question was asked you as to the probability of our being

able to supply the American market with the capital invested in our fleet; can you give the Commission an idea as to the increase shown in the boat-fishing during the last ten years? Has it increased from four to five hundred per cent.?—A. It has increased very largely, but I could not say exactly how much. It has doubled in the last few years.

Q. During what time has it doubled?—A. During three or four years.

Q. What is the size of these boats, and what do they cost?—A. Some are what we call dories, with two men, others are larger and are manned with four, five, or six men; these are the large class of boats.

Q. Is it true or not that boat-fishing has an advantage over vessel-fishing in that the former do not disturb the schools of mackerel to the same extent that the latter do?—A. The boats do not do so.

Q. Or frighten the mackerel?—A. No; and they do not dress fish so much on the grounds as the vessels do. I consider that the dressing of the mackerel on the grounds and the throwing of the offal overboard on the spot has done a very great injury.

Q. Apart from that, has the use of vessels anything to do with frightening and scaring the fish?—A. Yes; the vessels throw over so much bait that the mackerel will not stay, but leave the grounds sick. The mackerel will school away from the grounds under these circumstances.

Q. You spoke of supplies being furnished to American fishermen by farmers on the island, and in cross-examination you gave it to be understood that it was of very problematical advantage to the farmers; do these supplies chiefly consist of fresh milk, butter, and eggs?—A. Yes.

Q. Do you intend the statement to extend to merchants engaged in trade, implying that they sell for any other than commercial reasons to the Americans?—A. They may sometimes. I have known merchants at times give fishermen stores which were then very scarce with them.

Q. Is that the rule?—A. No; I do not think it is the general rule; but there are some instances of it. Of course, merchants as a class, wherever they are, make as much money as possible out of the articles in which they deal. I have put myself to inconvenience for the purpose of supplying these fishermen.

Q. Have the supplies of late years been expensive?—A. They have not been very large.

Q. Have the supplies with which the Americans have been furnished during the last three or four years been at all appreciable? I am speaking with reference to Prince Edward Island. Is it an appreciable item in our trade?—A. It is not much in our quarter at all, but there is one class of traders that may appreciate it to a certain extent.

Q. Supposing there were advantages which the colonists derived from the trade carried on with the American fishermen, are you under the impression that these advantages are to be considered before this Commission under the treaty, or to form any compensation to be deducted from the compensation which we have a right to claim?—A. I do not consider it in that light.

Q. You are aware that they are to be considered under the treaty?—A. I do not think they are to be considered at all.

Q. Then they are not to form a subject of deduction from the compensation we claim?—A. I do not think so.

By Hon. Mr. Kellogg:

Q. What are the dories; do they run to the Magdalen Islands in them?—A. O, no; the fishermen go off in them a mile, a mile and a half, or two miles from shore.

Q. I did not quite understand, from what you said, what you call fishing-vessels which belong to the island. What is on the whole the number of these schooners?—A. I was asked that question yesterday; but never have kept any run of the number of these vessels, and I do not wish to make any statement without having a foundation for it. On this point I have not paid any attention.

### No. 3.

**JOHN F. CAMPION**, trader, residing at Souris, in Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined :

By Mr. Davies:

Question. What occupation do you at present follow?—Answer. I am a trader.

Q. In what articles do you deal?—A. I deal principally in fish.

Q. How many years have you been in that business?—A. I have been so engaged more or less since 1866.

Q. Previous to 1866, what occupation did you follow?—A. I was a fisherman.

Q. Were you in English or American vessels?—A. In American.

Q. When did you first commence the business of fishing in American vessels?—A. In 1862.

Q. Do you remember the name of the American vessel in which you went that year?—A. The first vessel I shipped in was the Louise L. Curtis.

Q. This was in 1862?—A. Yes.

Q. Where did you join her?—A. In Gloucester.

Q. And were you the whole season in her?—A. No; I joined her very late in the season. I think it was about the 15th of September.

Q. Then you only came down for the fall trip?—A. Yes.

Q. Where did you go to?—A. To the Bay of St. Lawrence; to the east point of the island; we began fishing on Prince Edward Island.

Q. Near Souris?—A. Yes; east of Souris.

Q. Did you get a cargo?—A. We got about 180 barrels.

Q. In that trip?—A. We caught 80 barrels between East Point and St. Peter's.

Q. What distance were you from the shore?—A. From half a mile to two and a half miles.

Q. Where did you get the best?—A. Off the Cape Breton shore.

Q. How far off?—A. Not over a mile; sometimes half a mile; usually about two miles, I think.

Q. Were any of this cargo you got in 1862 caught outside of three miles from the shore?—A. None whatever.

Q. How many men had you on board?—A. Fourteen.

Q. Were many of the American fleet out that summer?—A. There was a very large fleet out, but we were very late in getting to the bay, so late indeed that people thought it foolish to go.

Q. You did not leave until the 15th of September?—A. No.

Q. Do you recollect what number of vessels were in the fleet in the bay that year?—A. There were probably six hundred.

Q. Does your recollection enable you to tell about what was the average catch of these vessels?—A. I could not for that year, because I then only began the business.

Q. Were other vessels in the fleet engaged in fishing at the time you were there?—A. Yes; there were some two or three hundred sail.

Q. Where were they taking their fish?—A. All in our vicinity. We were fishing amongst the fleet. The majority of the fleet that year fished on the Cape Breton shore late in the season, after the 1st of October, and the greatest portion of the fish was taken that fall between Cheticamp and Port Hood.

Q. Both points on the Cape Breton shore?—A. Yes.

Q. At what distance from the shore was the fleet engaged fishing?—A. They fished very close in. They never catch fish at any distance off shore.

Q. How close were they?—A. They were from half a mile to a mile and a half from the shore. The water is very bold on that coast and they came very close in.

Q. And the next year, 1863?—A. I was also then in the fishing business.

Q. In what vessel?—A. The schooner Alferetta, Captain Rowe.

Q. Did you begin early that year?—A. Yes; we started in July.

Q. Where did you go?—A. We came to the bay of the St. Lawrence.

Q. Was she a Gloucester schooner?—A. Yes.

Q. Did you go that season to the southern fishing grounds along the American coast?—A. No; I was in Gloucester when the vessels went out there, but I did not go.

Q. Why?—A. Simply because I did not think there was any money in the transaction. I remained idle, as did many others at the time that year. I had never any faith in the southern fisheries, because I saw that a great many people who went there did not make much.

Q. A good many others were idle as well as yourself?—A. Yes.

Q. You waited until fishing commenced in the Bay of St. Lawrence?—A. Yes.

Q. What was your catch in the Alferetta that year?—A. During the one trip that I was in her we caught 300 barrels.

Q. Were they caught outside the three-mile limit or close inshore?—A. Some were caught between East Point, Margaree, and the balance around the island and the Magdalen Islands.

Q. What distance were you from the shore?—A. One third of that trip was caught between East Point and the Magdalen Islands; and the balance close to the shore of both islands.

Q. One-third was caught altogether outside the limits?—A. Yes; we went home with that trip. I think it was in August we returned to Gloucester. We caught about 300 barrels.

Q. Did you return the same year again?—A. Yes; I went in the schooner Rescue.

Q. What was the name of the captain?—A. James Bowie.

By Mr. Foster:

Q. It was a Gloucester vessel?—A. Yes.

By Mr. Davies:

Q. Where did you go?—A. We came to the north side of the island, but as we could not find any fish there we went to the Magdalens. We found none there, and went on farther to Sydney and the Cape Breton coast, fishing there for the balance of the season. We filled up the schooner with all she could carry.

Q. Around the Cape Breton coast?—A. It was between Flint Island and Sydney Harbor.

Q. What was your catch?—A. 335 barrels.

Q. Of what distance from the shore were they taken?—A. All were

taken inside Flint Island—between Flint Island and Sydney Harbor, within a mile from the shore.

Q. Was there a large fleet out that year?—A. The fishermen estimated the fishing fleet lying off Sydney Harbor—that is, around Sydney alone—at three hundred sail.

Q. Were these 300 sail fishing at the same place?—A. Yes.

Q. All got fares there?—A. Yes.

Q. I understand that they got their fares within half a mile and two miles from the shore?—A. The whole of them caught their fares inside of Flint Island, at a mile or a mile and a half from the shore.

Q. Can you give the Commission an idea as to the average catch of these 300 sail? This was in 1864?—A. Yes. I would say that it was about 600 or 650 barrels, for those who fished the whole season have caught as many as 1,500 barrels. I should say that 650 would be a fair average.

Q. For the season?—A. Yes.

Q. Your number was 335 barrels for that trip?—A. Yes.

Q. Do I understand you to say that the whole of them got good fares?—A. The whole of them, so far as I knew, filled up their vessels.

Q. Why did you not go outside the limit?—A. Because there were no fish there. Some vessels used to drift off the land, but they would have to sail in again. They could get no fish beyond the three-mile limit.

Q. Did that state of things last the whole season?—A. Yes.

Q. What capacity did you act in—as sharesman?—A. Yes.

Q. Did you go out in the season of 1864?—A. Yes; then I was on the *Catalena*.

Q. Was she an American vessel?—A. Yes.

Q. Where was she from?—A. Gloucester.

Q. Who was her captain?—A. Alfred Howard.

Q. At what time did you leave in her?—A. During the latter part of June. We came down to the bay, and the first trip was taken off North Cape, off the island between North Cape and Bradley Bank. Some of the fish were caught close to the bend of the island.

Q. How many did you get?—A. Three hundred barrels.

Q. How many hands had you on board?—A. Fourteen.

Q. What did you do?—A. When we filled the vessel up we returned home.

Q. You returned to Gloucester you mean?—A. No, sir; we landed in the Straits of Canso.

Q. And transshipped?—A. Yes; we landed the trip in these straits.

Q. That was for the first trip you made in 1864?—A. When I come to think about it I remember that we brought the first trip home and landed the second trip at the straits.

Q. You returned with the 300 barrels to Gloucester?—A. Yes.

Q. And then came back to the fishing grounds?—A. Yes.

Q. In the same vessel?—A. Yes. We fished around the bend of the island and off the Magdalen Islands. We caught part of the cargo at both places.

Q. How many?—A. We caught 300 barrels, and we got them very close in to the shore. The fish schooled that year and used to run near the shore. It was warm weather, and they went very close in to the shore.

Q. Did you catch any portion of that cargo of 300 barrels outside the three-mile limit?—A. We caught a few outside, probably 80 barrels. We filled the vessel up in about a month, and then went to the Straits of Canso, leaving them there.

Q. This was the time when you landed them at the straits?—A. Yes; on the second trip we went to the straits and had the fish re-shipped to Gloucester.

Q. You then returned to the grounds, I suppose?—A. We waited there some days, fitted out and returned to the grounds.

Q. Where did you fish on the third trip?—A. We fished for a short time around the Magdalen Island, but it got so blowy that we could not stay there. In consequence of the heavy winds prevailing we had to leave. The fish were scarce, and we came to the bend of the island between Saint Peter's and East Point, and took the balance of the cargo there.

Q. This was the third trip. Did you secure a cargo?—A. Yes.

Q. How many?—A. On the whole we secured 1,000, and that trip we obtained 320 or 330 barrels.

Q. Your catch for the season was about 1,000 barrels?—A. Yes.

Q. What part of the cargo was taken within and what without the limits?—A. The whole of the last cargo was taken within the limits. There might be, perhaps, forty or fifty barrels taken outside, but not more than that. It was late in the fall.

Q. Late in the fall are any fish taken outside the limit?—A. Not that I am aware of. The mackerel work inshore after the 15th of September.

Q. Where do you catch the fish during the first trip in the spring?—A. Sometimes on Bank Bradley, when they come nor'ard. They come up there before spawning.

Q. Which are the better fish, the fall or spring?—A. The fall. They are then fat and large.

Q. How many of the American fleet were in the bay that year?—A. They had a large fleet there that year. I should say between six and seven hundred sail. Six hundred, I should say, would be a fair estimate.

Q. Are you enabled from the information you receive, and from what you see, and the practical knowledge you possess, to give a fair statement regarding the average number of the American fleet in the bay?—A. I should say there would be six hundred. Of course we talk the matter over amongst ourselves, and there might be a difference of opinion on the point.

Q. Do you know the average catch of each vessel?—A. It was very large. It was not less than 600 or 700 barrels. Some vessels took as many as 1,500 barrels that year.

Q. You have spoken with special reference to the places where you fished. Did the rest of the fleet fish in the same places?—A. No; very many vessels did not fish around the Magdalen Island that year.

Q. Where did the majority of the vessels fish that year?—A. A great many were around the Cape Breton coast and the bend of the island. A great many followed the fish around to Flint Island and Sydney for two or three years about that time.

Q. If you had not been able to land the fish at Canso and tranship, could you have made the third trip?—A. No; I do not think it would have been possible.

Q. You will, perhaps, explain?—A. The reason why is, that it would be hard to do so. It takes about three weeks to make a trip. In those years vessels were filled up in 20 and 25 days. The mackerel were very plenty, and they considered it equal to the loss of a trip to go home. In fact, the captains of vessels considered it folly to think of going home. There were thousands of barrels of mackerel on the wharves, and many vessels, as well as steamers, to carry them to Gloucester.

Q. Did many avail themselves of the right to tranship?—A. A great many did. The whole fleet did so, as far as I know. Very few of them went home.

Q. It was generally considered by those engaged in the business to be equal to the loss of a trip to go home?—A. Yes.

Q. This was in the year 1865?—A. I was then in the Alferetta still; her captain was named Cash.

By Mr. Foster:

Q. From what port did she sail?—A. From Gloucester.

By Mr. Davies:

Q. Did you make much cash for yourself that year?—A. I did very fairly.

Q. At what time did you start?—A. In July; we came down to the bay and began fishing.

Q. When did you leave Gloucester?—A. In July; about the 4th of July.

Q. Did you go South with the American fleet that spring?—A. No; I was waiting for the Bay of St. Lawrence fishing to commence.

Q. You remained idle again?—A. Yes. I never had any faith in the Southern fishery. I never saw any one make anything but very little out of it. You had to do considerable work for not much value. I remained idle, with many others.

Q. You preferred to be idle to going there?—A. Yes.

Q. And when the bay fishery began you sailed?—A. Yes.

Q. When did you leave?—A. About the 4th of July.

Q. What was the number of the fleet in the Gulf of St. Lawrence that year?—A. I would say that it was six hundred sail.

Q. Were you long in taking the first catch?—A. We took it in about six weeks. Some of the fish we caught about the Magdalen Islands, and the balance between Rustico and East Point.

Q. How many did you take?—A. 320 barrels.

Q. What portion were caught within the three-mile limit, and what portion outside of it?—A. We caught most of them inshore—very close in.

Q. Was it within the three miles or not?—A. Mostly within; there might have been fifty barrels taken outside.

Q. And with that exception?—A. The balance were caught between two and a half miles and half a mile from the shore; that trip we carried to and landed at the Straits of Canso.

Q. You transshipped again?—A. Yes; and then returned to the bay. We went over to the Magdalen Islands but we found no fish there. From there we returned to the bend of the island, and off Malpeque we filled up.

Q. Were there many vessels fishing in the bend of the island that season?—A. Yes; about three hundred.

Q. Along that bend alone?—A. Yes.

Q. American vessels?—A. Yes; they took very large quantities of mackerel—from 100 to 500 barrels each.

Q. At what distance were they taken from the shore?—A. Our trip was all taken within three miles of the shore. About two miles was the average distance off. We used to heave the vessels to and raise the fish; and after a certain time, we would lose them and have to make sail.

Q. In the first place, you were close to the shore when you commenced to drift?—A. We would be in two or three fathoms of water. In the

fall, after the 15th of September, the winds blow square off the land, and with the jib down and the mainsail guide out, the vessel would lay still.

Q. At what distance would that be from the shore—where there were two or three fathoms of water?—A. Not over half a mile.

Q. You would haul down the jib?—A. At a mile or half a mile off shore, the vessels would usually haul down the jib and heave to, throwing out bait. After a time the mackerel would come up and the men would fish for a certain time, drifting off shore for a mile or a mile and a half. We never fished in the bend of the river except with an off wind, because the vessels would be blown on the shore if the wind blew on the land. When they got off two or three miles they usually lost the fish and would have to make sail to get in again.

Q. To the shore?—A. Yes.

Q. You say that the bulk and nearly all of your catch was obtained well within the limits—does that remark apply to the whole fleet?—A. Yes; as far as I know.

Q. Had you an opportunity of learning whether this was the case?—A. We were amongst the other vessels and went into the same harbor.

Q. I understand that you make for the harbor every night?—A. Not every night, but during the period of the trip we were in the harbor a dozen times, perhaps.

Q. Was that the second trip?—A. We were two trips that year.

Q. What would be the average of the fleet for the season?—A. We did not consider that we got a good average of fish that year, but we secured 670 barrels, I think.

Q. And you thought that the average of the fleet was larger?—A. Yes, some vessels got from 1,200 to 1,500 barrels that year.

Q. I understand you to say that you only made two trips that year?—A. Yes.

Q. And you transshipped the first?—A. Yes.

Q. The second you carried back, I suppose, to Gloucester?—A. Yes.

Q. Suppose you had carried the first cargo to Gloucester, how would it have fared with you?—A. I would be of opinion that we would not have likely got back in less than three weeks, and that means a fishing trip; the loss of a fishing trip. That would be about the history of it. When mackerel were plenty, we were usually not more than three or four weeks in American schooners in making a trip.

Q. It takes about the same time to go home as to make a trip in the bay?—A. Yes.

Q. Did you in later years fish in American vessels?—A. No.

Q. Did these American fishing vessels all report themselves in coming through the gut and pay light dues?—A. No; they did not. A great many of them took a special pride in evading the light dues. Many used to come through at night. Sometimes the coast of Nova Scotia was very foggy, and they could not make the Straits of Canso, consequently they would have to go round to Cape North, off Cape Breton.

Q. Would others go through the gut without paying?—A. If they could they would.

Q. Did they?—A. Yes; I have heard fishermen talk about having evaded the light dues after they got through the Straits of Canso.

Q. You had no seines at that time?—A. No.

Q. Supposing that the American vessels were excluded from fishing within three miles of the shore, and had only the right to fish around the Magdalen Islands and outside the limit in the gulf, being excluded from coming within three miles of the coasts of Cape Breton, Prince

Edward Island, and Gaspé, and of New Brunswick, what would be your opinion as a practical man of the effect of this proceeding? Could the Americans afford to come to fish in the gulf?—A. My opinion of the transaction would be that it would be for the Americans a losing speculation. I do not think that the Americans would then entertain the project of coming here to fish, for a moment. I think they—I would try some other business.

Q. Would you, as a practical man, invest money in it if you were so excluded?—A. No, sir; I would not. Am fond of speculation, but that would be too desperate for me.

Q. Are you in a position to state that this opinion is entertained by the American fishermen?—A. I have talked with a good many of them on the subject, and they all considered that the privilege of coming within the limits as of especial advantage to them.

Q. What is their opinion; have they expressed any to you?—A. I have had conversation with them on the point. I have lived more or less continuously in communication with the American fishermen, and all these matters are talked over amongst them. Every phrase of the fishing question is discussed by them.

Q. And what is the opinion of the American fishermen about their being so excluded? Would they prosecute the business at all under these circumstances?—A. One gentleman, Captain Biuney, last year said that he considered the privilege of fishing within three miles of our shore a very great advantage. I asked him, "Suppose you were excluded from this limit, would you like to send vessels down?" He answered, "I, for one, would not be inclined to have anything more to do with the fishing business if I did not have the benefit of fishing where I please." He said fishing was precarious enough as it was, and that he found it hard enough to get a trip with this privilege.

Q. What proportion of the catch would be No. 1, and what proportion No. 2, and what proportion No. 3?—A. I would say that one-half would be No. 1, one quarter No. 2, and one quarter No. 3. That was my experience during the four years I was fishing.

Q. Since then you have been constantly engaged in the fishing business?—A. Yes; more or less.

Q. And your experience in the years you actually fished and since tallies?—A. That estimate is a little too high for the number ones taken in boat-fishing; the fish thus caught do not compare with those caught in our own vessels, simply because more care is taken of them in the latter.

Q. By whom?—A. The fishermen. They have more water and a better chance to take care of them. The fish caught in the boats are equally good, but they are not as well taken care of; and, consequently, there are not so many number ones amongst them.

Q. Do you remember the prices obtained for mackerel during the years you were fishing?—A. They were very large.

Q. What did number ones sell at?—A. They sold sometimes as high as \$25.

Q. And number twos?—A. They brought about \$20. These were the highest prices. The average prices would be about \$18 for number ones, about \$16 for number twos, and about \$12 for number threes.

Q. And they did range at times as high as \$25?—A. We got \$25 for some of our trips.

Q. The prices for mackerel fluctuate considerably?—A. Yes.

Q. If the catch is not large, the price goes up?—A. Exactly. It is governed, of course, by the quantity on hand and the fishing prospects.

Q. Supposing that the Americans were altogether excluded from coming into and fishing on our coasts, what would be the effect of this measure as regards our own fishermen?—A. I think that it would be a benefit to them.

Q. Even supposing we paid a duty of \$2 a barrel on fish sent to the United States?—A. Yes.

Q. Why? Explain.—A. I for one would not consider it a hardship to have to pay the duty, because we would have the monopoly of the market; we would pay the duty, but, of course, we would not be the consumers of the fish.

Q. Why would you have a monopoly?—A. Because our own vessels and boats, and not the Americans, would supply the American market.

Q. Would not the Americans catch enough fish in their waters to supply their market?—A. I consider the American waters almost worthless for fishing purposes. Sometimes there may be a certain amount of fish caught there, but the history of this fishery, as far as I am aware, shows that they do not count on it themselves as a means of finding sufficient business for their vessels.

Q. You are aware that for the last two years the catches taken there have been large?—A. Yes.

Q. And with a knowledge of that fact, this is your opinion?—A. These are the only years in my recollection when anything like enough fish have been caught to correspond with the expenditure rendered necessary by the trips.

Q. Do you know at what distance from the shore the American catches are taken? Do they come in as close to their shore as they do to ours?—A. As far as I know, they do not. I have never fished on the American shore, but still I have seen them fishing, and they do so fifty or sixty miles out from the shore, on the banks.

Q. On what banks?—A. The banks that lie between Thatcher's Island and southeast of Thatcher's Island.

Q. With respect to these two extraordinary years, do you know whether the fish were taken outside of three miles from the coast—far out—or inside that limit?—A. On this point, I only know what I have been told by the fishermen themselves.

Q. You speak from hearsay?—A. Yes; it is the only way I know anything about it. They told me that they caught most of their fish on the American shore in very deep water.

Q. In what way?—A. With purse-seines.

Q. At what distance from the land?—A. Out of sight of the land—some of them. I was talking some time ago with Capt. Neil McPhee, who is an island man, but captain of one of the American vessels, and I got this information from him.

Q. Where is he?—A. He has gone to the Grand Banks. He was in Halifax yesterday.

Q. What schooner does he command now?—A. I do not know exactly. I believe that her name is Carl Schurz.

Q. It is an American vessel?—A. Yes.

By Hon. Mr. Kellogg:

Q. What do you mean by an island man?—A. A native of Prince Edward Island.

By Mr. Davies:

Q. What did you do in 1866?—A. I was purchasing fish during that year.

Q. You did not go with the fleet?—A. I caught fish in 1865.

Q. And then you commenced trading for fish?—A. Yes.

Q. Purchasing them?—A. Yes.

Q. Where were you stationed?—A. That year, I was at a point about three miles east of Souris.

Q. Of course you are interested in the fishing trade?—A. Yes.

Q. Did you pay attention to the fleet that year?—A. Yes; I have done so more or less ever since I entered the business.

Q. What number of vessels came in the fleet to the gulf that year—1866?—A. It was about the same as when I was fishing, as far as I am aware. I saw a great many of the vessels, and, in conversation with men I knew, I was told that there was a very large fleet in the gulf. They used to call the fleet which came to the bay, the year I was fishing, a pretty large one.

Q. About six hundred came?—A. Yes.

Q. You fix that as about the number?—A. I cannot be so positive for that year as for the other. I saw some of the vessels, however, and I conversed with a great many of the captains, who told me that the fleet was about the same in number. Probably it numbered about six hundred.

Q. What proportion put in to Price Edward Island that year?—A. Probably 250 sail.

Q. Did you see them fishing?—A. They fished so much that we used to have to get out of their way sometimes, when we would be out in boats not half a mile from the shore.

Q. Did they not get out of your way?—A. They make it a point to compel us to get out of their way.

Q. Did the Americans make good catches that year?—A. I think they were pretty fair. I myself saw them taking very large decks right where I was fishing. They took as many as ninety barrels in one day right in amongst our boats. I have seen them take very large quantities of fish right amongst our boats.

Q. In 1866 were you prosecuting the fishery business on shore?—A. Yes.

Q. What was the result of the year's fishing, as far as the shore fishing in boats was concerned?—A. A very large quantity of mackerel was taken.

Q. By the shoremen?—A. Yes.

Q. How far from the shore do the boats generally fish?—A. As far as I know, touching this fishing, they never go over a mile and a half from the shore, and they often fish within a mile and a half of it.

Q. Are the best fishing-grounds considered to be within a mile and a mile and a half of the shore?—A. Yes.

Q. With regard to the boat-fishing, captain, can you give the Commission any information as to the increase in the number of boats and men engaged in it, say during the past ten years?—A. I think that the number has very materially increased during this period, probably 100 per cent. The increase has been at least 75 per cent.

Q. I want some idea as to the size and character of these boats.—A. They vary from 16 to 30 feet in length, and they are manned by from two to five men. In the large boats there are sometimes as many as seven men.

Q. What do they cost?—A. From \$25 to \$500. The former is a very cheap kind of dory.

Q. Are boats used more extensively at the other end of the island?—A. Small boats are very much in use there, owing to their having no harbors; they haul the boats on shore. At the northern end of the

island they are much larger. In this part I suppose that their average cost is \$300. We have to haul them on shore.

Q. Where there are harbors the fishermen use larger boats?—A. Yes.

Q. I understand that from the year 1866 downwards you have been engaged in this fishing?—A. Yes, with the exception of three years, when I was absent from the island.

Q. What years were these?—A. 1870, 1871, and 1872. I was also absent during the winter of 1869.

Q. But leaving out those years?—A. Leaving them out, I have been engaged ever since 1862 in the fishing business.

Q. Were the American mackerel-fishing vessels kept off the coast during any of these years?—A. Yes.

Q. What was your experience in this respect?—A. That this was a very great annoyance to them. They often watched for an opportunity to enjoy good fishing inshore.

Q. Did they absolutely abstain from coming within the limits or not?—A. There were not enough cutters to keep them off.

Q. In some instances they did come inside the limit?—A. Yes. When the cutter came to one place, they would go to some other place.

Q. You say that the number of boats and men engaged in the shore fishery has increased. Has the catch increased to any appreciable extent?—A. It has increased in the same ratio as the boats.

Q. In quite the same ratio?—A. Yes.

Q. To what extent did you say the number of boats had increased—100 per cent.?—A. I would say that this has been the case within the last ten years.

Q. And you say that the fish caught by these boats have been obtained within three miles of land?—A. Yes.

Q. The privilege enjoyed by the Americans under the treaty of purchasing supplies in the harbors of British North America, and of transhipping fish, is valued very highly by them, is it not?—A. I consider it next to the privilege of fishing in these waters. It is one of the best privileges they have; it is the next best.

Q. Perhaps you will explain why?—A. When they come down with a certain amount of provisions and begin taking fish, after a certain time their provisions and wood and water are exhausted, and, of course, if they could not resort to Dominion harbors to replenish, they would have to return home, and they then might as well carry their trips home.

Q. Leaving out water, wood, and fuel, because they have a right to procure these in our harbors outside of the clauses of this treaty, and assuming that they had only the right to obtain these supplies on our shores, what would be the result?—A. They are under the same necessity to get their supplies here as to land their mackerel when they have filled up their vessels. Of course they require supplies, and this is as much benefit to them as the right to land mackerel.

Q. What supplies do they require?—A. The provisions they must necessarily use on their fishing voyages, such as pork, butter, flour, beef, and potatoes. They get a very great quantity of vegetables around our island.

Q. Are they considered necessary to these fishermen?—A. The owners of these vessels have to furnish the men with the best possible kind of provisions; if the men are put on what they call salt provisions, they pretty soon rebel against it. The consequence is that the captains have to look for fresh meats and vegetables and all that kind of thing for them.

Q. Is this privilege of purchasing supplies, which the American fishermen now enjoy, highly prized by them ?—A. Yes, very highly indeed.

Q. By themselves ?—A. Yes, and very highly.

Q. What bait is used by the island fishermen ?—A. They use their own bait. Sometimes they purchase American bait; they use herrings and clams for this purpose.

Q. Which bait is it they use most generally ?—A. I think that the island fishermen use our own more than American bait.

Q. Where do they procure the herring ?—A. In our own waters.

Q. Where does a vessel fitted out, say from Gloucester, secure salt, supposing that she makes more than one trip ?—A. It is furnished wherever they tranship.

Q. Can they carry enough salt with them ?—A. In refitting, they take with them everything required for a second voyage, including salt and barrels, provisions and outfittings.

Q. Is the cod fishery carried on to any extent around the coasts of Prince Edward Island and Cape Breton ?—A. It is, to a considerable extent.

Q. Do the Americans pursue it in these waters ?—A. Yes; off Cape North, there are very large numbers of American trawlers.

Q. Cape North is off Cape Breton ?—A. It is the north cape of Breton.

Q. Where do these trawlers get their bait ?—A. They catch it around the coast of Newfoundland; and sometimes at St. Peter's Island and at Tignish Bay. St. Peter's Island is near Charlottetown.

Q. In the Hillsborough Bay ?—A. Yes.

Q. What bait do trawlers use ?—A. Herring.

Q. I believe that herring are very plentiful around the coasts of Prince Edward Island, Cape Breton, and Nova Scotia ?—A. Yes.

Q. There are large quantities of them on these shores ?—A. Yes.

Q. Could the cod fishery be carried on without herring bait ?—A. I consider this absolutely impossible.

Q. How many trawlers would be engaged fishing for cod, say around Cape North ?—A. There would probably be 45 or 50 sail.

Q. Do they get all their herring from our British American waters ?—A. Yes.

Q. What would be the tonnage of the cod trawlers ?—A. They average about seventy tons, I think.

Q. Is there any halibut fishing about these coasts ?—A. It is not followed much in the bay of the Saint Lawrence, but they catch some halibut there.

Q. Are many engaged in this fishery ?—A. I am not aware of many being specially engaged in this business.

Q. You do not know the number of the fleet engaged in the halibut fishery ?—A. No.

Q. Do these cod trawlers who use herring bait require anything else—where do they get their ice ?—A. Around the coast of Nova Scotia, and sometimes around the island.

Q. Is that a necessary article for the fishermen to have ?—A. They can only keep their fish by means of ice.

Q. They must have it ?—A. Yes.

Q. Do you know whether they catch herring themselves ?—A. I think that they do sometimes. I am sure they do so. I have seen them catching herring.

Q. For bait ?—A. Yes.

Q. But as a general rule they purchase this bait ?—A. Yes; they do

not require to have the outfit necessary to catch herring if they buy them. They do not need to have seines for the purpose, or so many men as otherwise would be requisite.

Q. Is it a fact that the American fleet, by dressing on board the mackerel caught by them, and throwing the offal directly into the water on the mackerel-fishing grounds, injure the fishing in your opinion?—A. I think it does the grounds material injury.

Q. Where do the boats dress the mackerel they catch?—A. They take the fish on shore and dress them at the stages.

Q. And the Americans dress them on the grounds?—A. Yes.

Q. Materially injuring them?—A. Yes.

Q. Explain.—A. The stuff thus thrown off goes to the bottom; it is in shoal water, where they usually catch the fish; there is not much tide, and the mackerel do not like it.

Q. Is there much of this offal thrown overboard?—A. Very great quantities, when the fleets are large; about one-fourth of a mackerel is offal.

Q. What is thrown overboard sticks to the bottom?—A. Yes. Sometimes these vessels catch something like 75 barrels a day; and sometimes two or three hundred sail are fishing together in the same neighborhood.

Q. After a fleet has dressed the day's catch and thrown the offal over board, will the boats find fish there the next day?—A. Not usually. The American fishermen usually make it a point when they have caught fish, to get under weigh and set sails in the position called jogging, and thus the vessel works out of the quarter where the fish have been taken. Consequently the offal is thrown over in a different place. Usually when the fish are dressed, they sail back to the spot where they had been fishing. I have known American captains keep the offal on deck until they were a sufficient distance away from the grounds, and then throw it overboard.

Q. This was done from fear of injuring the fishing?—A. Yes.

Q. Is there not a large quantity of blood mixed with the offal?—A. Yes.

Q. What effect has this on the mackerel?—A. The usual effect, save when the fish are biting well, is to cause the mackerel to sink and go away.

Q. Do you know whether cod trawlers do the same thing?—A. They have a place specially built on deck to keep the offal in during the voyage. When they make what they call a berth, sailing from one spot to another, they throw it overboard, but they make it a point to keep it on deck when fishing in one particular locality.

Q. This throwing of offal overboard has a prejudicial effect?—A. Yes; this is proven by experience. The fishermen cannot catch fish when they throw the offal overboard.

Q. It injures the particular spot where it is thrown?—A. Certainly. The fishermen would not think for a moment of fishing where they have thrown it overboard. They then sail to another place.

Q. As far as that place is concerned it is ruined for fishing purposes, as far as anybody else is concerned?—A. Yes.

Q. When you were four or five years in Gloucester with American vessels, did you notice whether they made such large catches when such high prices prevailed, and whether the wealth of the place was greatly increased in consequence?—A. Yes; it was materially increased; some men who were poor when I went there were owners of firms when I left.

Q. Were they engaged in the bay fishing?—A. Capt. Andrew Layton was reported to be part owner of a vessel in 1862; and when I left there he was established with seven or eight vessels, with a firm.

Q. Due to his prosecution of the bay fishery?—A. Yes. In 1863, he had a vessel built at a cost of \$14,000; he sold her that fall at St. Peter's for the same amount of money, and he declared that he cleared in the business that year the price he had paid for this vessel. Other men I also knew made money.

By Mr. Foster:

Q. In what year was this?—A. In 1863 or 1864.

By Mr. Davies:

Q. Is that the only instance?—A. When I went there Capt. Joseph Rowe, also a fisherman, was part owner in a firm of the schooner Ellsworth, and when I left there he ran a mackerel firm owning seven or eight vessels, and well established. I knew several others who were similarly successful, but I have forgotten their names.

Q. What do you call a mackerel firm?—A. An establishment fitting out seven or eight vessels for the purpose of following the fishery business in the bay or wherever desired.

Q. And you say that there are more instances to your knowledge than those you have mentioned?—A. Yes; but I do not recollect their names.

Q. Was this distribution of wealth general, or not?—A. I think that in this year Gloucester was built up 100 per cent. It increased in wealth to nearly 100 per cent.

Q. From what did it proceed?—A. From this fishing.

Q. Where?—A. In the bay of St. Lawrence. They considered fishing on the American shore in those years to be worthless. Captains of vessels could not get crews to go fishing on the American shore.

By Mr. Foster:

Q. In what years did wealth increase 100 per cent. in Gloucester?—A. From 1862 to 1866.

By Mr. Davies:

Q. Does your experience enable you to give us any information about the habits of mackerel—their spawning or feeding places?—A. Well, from the time they leave Cape May, I know more or less about their course.

Q. Describe it.—A. They make their first appearance off Cape May, where the American fishermen go to catch them, starting out about the 1st of May and following them along until about the 1st of June. Then they come off Cape Cod, and from there they strike on Cape Sable and down the Nova Scotian shore.

By Mr. Foster:

Q. When?—A. They usually strike there about the first of June.

By Mr. Davies:

Q. When are they caught off Cape May?—A. In May. The fishermen commence operations toward the latter end of April or the 1st of May, and the shoal is then moving along toward Cape Cod, and from there they strike over toward Cape Sable.

Q. When are they found near Cape Cod?—A. Towards the latter part of the fishing season and about the 1st of June—between the 1st and 10th of June.

Q. And when do they strike Cape Sable?—A. Very shortly afterward; and they follow the Nova Scotian shore down. They seem to keep moving right along.

Q. And where do they follow them up?—A. The fish seem to keep right along; some moving around Cape North and more through the Straits of Canso, coming thence into the bay.

Q. When they are running along the American coast are they as close inshore as they are on our coast, or not?—A. They are not usually so close in. They have no particular places of resort there, as far as I know, but move along from fifty miles out to within close limits of the shore. They are caught from ten to fifty miles from the shore.

Q. When do they reach the Gulf?—A. About the first of June. It is later than at that date.

Q. At about what date?—A. The whole of them do not come together. Of course, they take two or three weeks to arrive.

Q. Do they move straight onwards, or stop on their way?—A. They seem to move onward all the time. The proof of that is that when the American fishing vessels are off Cape May they have to follow the fish toward the north, or Gloucester, coming in this direction.

Q. And they get into our bay at about what date?—A. Between the 5th and 15th of June.

Q. And where do they go?—A. They follow bay up to Bay Chaleurs, and seem to spawn up there about the first of July, or along there; perhaps they do so earlier than the first of July.

Q. When do you find little mackerel in the waters of the Gulf?—A. About the first of September.

Q. Are they very numerous?—A. Yes; some years they are.

Q. Give us some idea of it.—A. They are as thick as they possibly could be; the water is full of them. They are then some two or three inches in length.

Q. And when do they leave the Gulf?—A. They commence to do so in October, and some of the last school do not leave until November.

Q. And where do they go?—A. They return, and seem to trace the same course right back—and they are caught off the Nova Scotian coast on their way back with nets, and sometimes with seines. The fishermen sometimes follow them as far as Flint Island, down at Scatari, on the southeastern part of Cape Breton.

Q. When did you leave Prince Edward Island this year?—A. I think it was on the 27th of July.

Q. What are the indications with regard to the fishing this year?—A. The indications are that there is a very large body of mackerel in the bay. Immense quantities of them school every day.

Q. Have the catches on the boats been large?—A. Very large. The boats with three men each, have landed on the north side of the island as many as 2,500 mackerel in a day.

Q. Is this in the bay?—A. Yes.

Q. How many mackerel would go to a barrel?—A. I suppose probably 200 or 225 at this time of the year.

Q. Has the American fleet put in an appearance on the bay this spring?—A. Yes; in very large numbers. Most of them this year have seines.

Q. What number of this fleet would be there this year, do you suppose?—A. I have not formed any idea save from what has been told me. Some of them with whom I conversed say that the whole fleet is coming. I asked a captain of a vessel how many there were, and I was told the

fleet numbered nine hundred sail. They said they were doing nothing on their own shore, and that most of them have seines.

Q. How many have arrived at the island so far?—A. They were arriving there fast when we left. The evening previous to our departure, there was a strong wind to the north, and quite a number, forty or fifty, came in for shelter where I live, and seven-eights of them had seines. Some of them, in a week, caught three hundred barrels of fish in the bay with seines. One vessel threw a seine around a very large school and found it so large that they had to cut it. It was estimated to contain 1,000 barrels. This was off St. Peter's. The seine got caught in the bottom and they could not purse it. They had to go to St. Peter's Harbor to mend it. Off East Point, within half a mile of the shore, Capt. Charles Lee took 180 barrels with one haul of a seine. I do not know the length of his schooner, but she was in at Souris.

By Mr. Foster:

Q. He is a Gloucester man?—A. Yes.

By Mr. Davies:

Q. Has anything been done this season?—A. When I left there three or four vessels, loaded by means of seines, had passed through the gut.

Q. They had gone home loaded?—A. Yes.

Q. To Gloucester?—A. Yes.

Q. Can you give the Commission an idea of the probable effect which seining will have on our fishing?—A. We have such still currents and still water, that I believe their use will end in the total destruction of our fisheries.

Q. We have such still water?—A. We have such shoal water and still currents that the fish play inside near the shore. As a consequence, seining will drive the whole of them off and keep them out of the bay altogether.

Q. What are these seines like?—A. A seine is a large net. It is supposed to be about 180 fathoms in length. I have asked a great many American fishermen what their average length was, and they said 180 fathoms; they are regulated by the character of the vessel, and a running string is placed around them, and this is the principle on which they are made. They haul the bottom tight, and everything inside the inclosure is secured, whatever it may be.

Q. They haul the bottom tight?—A. Yes; with a running string. That is the principle of it. The ropes are reeved on a block in the seining boat. The crew haul one-half on each rope, and the bottom being drawn tight, all the fish entangled are inclosed—cod, mackerel, herring, or whatever else there may be inside.

Q. When inclosed, how do they gather the fish up?—A. By means of boats.

Q. And do they lump the fish together?—A. The fish are all the time getting into a smaller inclosure.

Q. What is the size of the meshes of these seines?—A. They are smaller than the mackerel. This makes it handier to haul the seine into the boat. The meshes are made one and a quarter inches wide, or inside of two inches at least.

Q. When they haul the seine, do they gather in the fish—large and small?—A. They secure everything taken in the seine.

Q. What do they do with these fish?—A. They take out the mackerel and let the rest go.

Q. Do the rest get off alive?—A. They are dead, of course; they are choked, and they die, if not then, inside of a few hours.

Q. You consider that the use of nets will in a short time utterly destroy our fisheries?—A. Yes. In our still waters, owing to their want of current, the fish are more easily seen. I have thought the matter over a good deal, and I think the use of seines is one reason why the fish have left the American shore, and I believe that their employment will have a still more injurious effect on our shores, owing to our shoal water, and the fact that our currents are not so strong as these on the American coast.

Q. Consequently the fish are more easily seen.—A. Yes. Some of the American captains told me they would not have a bit of trouble in getting up fish here, were their seines not too long and deep.

Q. For our shoal water?—A. Yes. Some take the central portion of the seine right out and sew the arms together, and they seem to catch the fish much faster now.

Q. What chance for catching fish will the boat-fishers have along shore in the presence of the seines?—A. I think the latter will utterly destroy the fishing and break up the schools, driving them seaward.

Q. Do you know anything about the manner in which the herring fishery is prosecuted at the Magdalen Islands?—A. Yes.

Q. Do the fishermen go on shore there to carry it on?—A. Until within the last three years they used to catch the fish there by hauling seines, throwing the seine around a school and having lines attached to the shore. A number of crews would haul them on shore; but now they are caught with purse seines away out in the bay, similar to mackerel. The majority of the fish taken on the Magdalen Islands were caught by hauling seines on shore.

Q. With reference to the privilege offered to the colonists to fit out vessels and fish in American waters—would you give the Commission your opinion as to whether it is a boon or privilege of any value to us, or not?—A. I consider the American fishing grounds wholly valueless. Anybody who knows anything about this fishing, knows that it is better to fish in our own waters than to fit out vessels to go four or five hundred miles with the chances of catching less fish there than they would at home. Besides, from my knowledge of American waters, I consider that there are more vessels in those waters now than there is room for, independent of the fleet that is in the bay. There is a lot of small craft catching fresh fish in that quarter. There are an immense quantity of little hookers of 30 and 40 tons along that shore in every conceivable place catching all kinds of fish. I think that a British vessel would have no chance at all amongst them.

Q. You think that their waters are overstocked with craft?—A. More vessels are there than there is room for. This was the case until this year.

Q. As to the menhaden bait caught off the American shore, how and where are they taken?—A. I have not much knowledge of them.

Q. Can you tell me, captain, what the price of mackerel is this year? Has the failure of the American fisheries had any effect on it?—A. Yes; I think that it has had considerable effect on their value; mackerel which were worth \$6 are now worth \$15. It is only reasonable to suppose that this is due to the failure of the American fisheries. Fish which were quoted at \$6 at the commencement of the season, are now quoted at \$15. Of course, mackerel are of a little better quality now. Number threes will now probably bring \$12, when at the begin-

ning of the season they sold for \$6, and number twos are quoted as high as \$15.

Q. What are number ones worth?—A. I have not as yet seen a quotation for ones.

Q. Is the codfishing on the island coasts very extensive?—A. Yes; very.

Q. Is this fishery prosecuted to any large extent?—A. A very large number of people are employed on the codfishing vessels.

Q. Around our shores?—A. Yes.

Q. Are many boats employed in this fishing?—A. Yes; a very great number, probably 1,200.

Q. Around the island?—A. Yes; and the number is even greater than that.

Q. What distance from the shore are they taken?—A. They are taken half a mile to four miles off. Most of them are taken within a mile and a half from the shore.

Q. In very large quantities?—A. Very large quantities of codfish.

Q. Are those codfishing boats larger than mackerel-fishing boats?—A. About the same size. The majority of the fish are taken within a mile and a half from the shore. The main school is there.

By Mr. Foster:

Q. I understood you to say that during the first trip you made in 1862 there was not any portion of the mackerel caught more than three miles from the shore.—A. No; that was the fall trip.

Q. That you took particular notice of, I suppose?—A. There was nothing particular about it. I remember where we were fishing, which is about all the particular notice I took of it.

Q. You started fishing where you found evidence of the presence of the school of fish, and you let the vessel drift, I suppose?—A. We went to the Magdalen Islands and caught nothing; we then came back to the bend of the island and fished for part of the season.

Q. You caught nothing at the Magdalen Islands?—A. No.

Q. When you were fishing at the bend of the island you found fish and let your vessel drift?—A. Drift for a short time.

Q. But you could not fish inshore unless the wind was offshore?—A. Exactly.

Q. How far would you drift?—A. For an hour, probably.

Q. How far would you drift in one hour?—A. Not more than one mile or one mile and a half; it would altogether depend on the strength of the wind.

Q. Is not that a very small distance to drift in one hour?—A. Not when there is no tide. Sometimes a vessel will fish from morning to night and drift not more than ten miles in the twelve hours.

Q. Is it not a pretty small distance to drift, one mile and a half in an hour?—A. No; I don't think so.

Q. Do not they usually drift more than that?—A. It is about a fair rate; that is what a vessel will usually drift, taking one day with another. Sometimes they will not drift 200 yards in an hour.

Q. How often a day did you have to stop fishing and tack inshore?—A. About five or six times in the fall, sometimes oftener, but never less than five or six times.

Q. How many hours do you fish?—A. We fish while it is daylight.

Q. From daylight to dark?—A. Yes.

Q. Which in July here would be how many hours?—A. 16 hours.

Q. You would be fishing 16 hours and would have to come back half

a dozen times inshore, and you still think that you did all that inside three miles of the shore?—A. Speaking about that trip, I am certain of it.

Q. That it was all done?—A. Yes.

Q. You had no motive to notice the distance from shore?—A. No.

Q. There was no prohibition at that time?—A. There was no reason why we should not fish where we pleased, as far as I know. We could not find fish anywhere else.

Q. You are prepared as a matter of recollection to say that you never caught fish that summer more than three miles from shore?—A. That is so, if my memory serves me right.

Q. And your mind is clear and satisfied about it?—A. Quite clear.

Q. What bait did you have that summer?—A. Pogies.

Q. Did you bring them with you from Gloucester?—A. Yes.

Q. I think we have not got the name of the captain of the vessel?—

A. It was Martin Whalen.

Q. Was what you say of yourself true of the whole of the fleet fishing alongside of you?—A. There was a considerable number fishing with us.

Q. How many?—A. At Cape Breton there was a very large fleet, probably 300 sail at a time. They all fished in the same locality.

Q. And all during the 16 hours you kept within 3 miles?—A. As it got later in the year the days got shorter.

Q. During the whole of the days, long or short, the fleet kept within three miles of the shore?—A. They had to do so, for in the fall they cannot catch fish outside.

Q. You remember that the American fleet of 300 sail kept through the whole long summer days within three miles of the shore, do you?—

A. To the best of my memory; my memory is clear on the point.

Q. So that none of that American fleet off the bend of the island, of 300 sail, caught any mackerel outside three miles from the shore?—A. I am speaking especially of our own vessel. I have good reason to remember the action of our own vessel more than the action of the fleet. I remember there was a large number of vessels around with us. It is the rule for vessels to fish together.

Q. Perhaps you are not so positive as to the rest of the fleet as to your own vessel?—A. I would not be positive as to the exact number, but a considerable number I am satisfied.

Q. Then some vessels may have taken a few mackerel outside the three-mile limit that summer, though fishing in company with you?—A. It would not be possible for them to do so.

Q. Then you, according to your recollection, are confident that the whole of the American fishing fleet fishing in the bend of the island, in the summer and autumn of 1862, caught no mackerel except within three miles of the shore?—A. I had not such a good knowledge regarding those fishing round us as of our own vessel.

Q. You, of course, noticed your own vessel, but you saw the rest?—A. I did not say I saw 300 sail in the bend of the island. I saw about 300 sail on Cape Breton shore.

Q. There were 300 in company with you, and you observed their operations?—A. Yes.

Q. And all those vessels kept within three miles of the shore and did not go outside?—A. Yes; that is my testimony, on the Cape Breton shore.

Q. And the reason you give is that along that shore the water is very bold?—A. It was bold and it was still.

Q. Then you began in 1862 with Captain Samuel Rowe, of Glou-

ester, and you made your first visit to the Magdalen Islands at that time and caught 300 barrels?—A. Yes.

Q. You caught 100 barrels at the Magdalen Islands?—A. Probably 100 or 150 barrels. We caught the trip between the Magdalen Islands, East Point, and Saint Peter's.

Q. How many did you catch at the Magdalen Islands?—A. From 100 to 150 barrels. I could not state the particular number of barrels; it was between 100 and 150.

Q. All you did not catch at the Magdalen Islands you caught where?—A. Between Saint Peter's and East Point.

Q. All the rest within the three-mile limit?—A. The greater portion of them. Some of the trip was caught outside the limits at both places.

Q. Of the portion not caught at the Magdalen Islands, what portion was caught outside?—A. Probably 80 barrels outside.

Q. Then, according to your statement, as I have it now, you caught at the Magdalen Islands from 100 to 150 barrels; we will call it 125, and that would be fair?—A. Yes.

Q. During the rest of the trip you caught 80 barrels outside the three-mile limit. That would be 205 barrels. So that during the trip you caught 5 barrels more than two-thirds outside the limits?—A. I don't think I have said anything like that.

Q. Returning to the bend of the island, what proportion did you catch outside the three-mile limit?—A. One-third in deep water between East Point and Magdalen Islands.

Q. You caught 300 barrels in all?—A. Yes.

Q. We have 175 barrels caught at the bend of the island, and one-third of 175 barrels was caught in deep water more than 3 miles from shore?—A. Yes.

Q. So you have 180 barrels out of 300 as being caught that trip outside the three-mile limit?—A. I cannot make it out so.

Q. Then explain it in your own way.—A. We went to the Magdalen Islands first, and between Magdalen Islands and Saint Peter's and East Point we caught the whole trip. One-third of that trip we caught in deep water between East Point and Magdalen Islands, which would make about 100 barrels caught in deep water. The rest were taken in probably equal quantities at both places, close inshore.

Q. You regard part of the catch made close in to the Magdalen Islands as having been within the limits?—A. That may be the difference.

Q. It never made any difference at Magdalen Islands how close to the shore Americans fished?—A. That may be the explanation of my statement.

Q. How much of the three hundred barrels of mackerel caught by you that year did you catch in places where, but for the Reciprocity Treaty being then in force, Americans could not have gone?—A. Figuring on that basis, we probably caught two hundred barrels outside our own waters.

Q. After that trip you returned to Gloucester?—A. Yes.

Q. And came again in the Rescue?—A. Yes.

Q. Then you went first to the north side of the island and then to the Magdalen Islands, and found no fish?—A. Yes; and then went to Sydney.

Q. Between Flint Harbor and Sydney Harbor?—A. Yes; and filled the vessel up.

Q. They were all caught inshore?—A. The whole fleet fished inshore that year.

Q. You are sure about that?—A. I am quite positive about that.

Q. There were three hundred vessels fishing with you?—A. I said there were probably 300 vessels there at one time.

Q. It is based upon your distinct recollection?—A. Yes.

Q. And the whole were fishing inside?—A. The whole of them.

Q. Now, you say that the average catch of these vessels, so far as you can judge, for the entire season, was 650 barrels?—A. Yes.

Q. Is not that a very large average?—A. How I make the average is this: I know a great many vessels caught 1,500 barrels, and I know that we were not catching more than the avarage quantity, and our own average was that number.

Q. But is not that a very large average?—A. They caught very large averages in those years I have given you.

Q. So it was a very large average?—A. Yes; it was a fair average.

Q. 650 barrels?—A. It was an exceptionally good season.

Q. In the next year, 1864, you were on the Catalina, Captain Powell; started at the latter part of June, and fished between North Cape and Bank Bradley?—A. Yes.

Q. Now, Bank Bradley is off the shore, of course?—A. Yes.

Q. How many miles from shore?—A. The outside part is a large piece off.

Q. What proportion of the catch did you take outside three miles of shore?—A. We took about two-thirds of that catch off shore. It was very early in the season, and mackerel were well out. During the latter part of the trip we kept right in the bend of the island, off Rustico.

Q. Bauk Bradley is an excellent fishing place, I believe?—A. Yes, in spring for a short time.

Q. Then two-thirds of the 300 caught during that trip were caught off shore?—A. Yes.

Q. Those 300 barrels you landed at Canso and transshipped?—A. No.

Q. You went back to Gloucester?—A. Yes.

Q. To go back took you how long?—A. About three weeks to go and come in the fall.

Q. How long does it take to refit at Gloucester?—A. Usually about one week.

Q. About the same length of time as to refit here I suppose—one week?—A. They are usually in more hurry here. The men are not in such a hurry when they arrive home at Gloucester.

Q. Your second trip was round the bend of the island and to Magdalen Islands?—A. Yes.

Q. How many mackerel did you get on the second trip?—A. Three hundred barrels.

Q. How many at Magdalen Islands?—A. We would probably take half of those there.

Q. Then you said you got 80 barrels outside?—A. In deep water, I meant.

Q. Do you mean you took 80 barrels in deep water off the bend of the island?—A. Between the island and Magdalen Islands.

Q. Besides one-half caught at Magdalen Islands?—A. In that I included the 80 barrels.

Q. Except 150 barrels caught at Magdalen Islands and on the way, did you get any mackerel outside of the three-mile limit?—A. One-half at Magdalen Islands and in deep water, and the rest in the bend of the island, most of them inshore.

Q. After the second trip you unloaded at Canso, refitted, and tried the Magdalen Islands again, and did not succeed?—A. Did not do anything there.

Q. You came then to the bend of the island?—A. Yes.

Q. Did you get all the third trip inshore?—A. The whole of it.

Q. What did you say about 40 or 50 barrels having been caught outside?—A. I don't think I said anything about having caught any fish outside the three-mile limit on the last trip. I have no recollection of doing so. So far as I can now recollect, we did not catch any outside. It may be that we caught some outside, but I don't remember it.

By Sir Alexander Galt:

Q. You are now referring to the Catalina?—A. Yes.

By Mr. Foster:

Q. It is reasonable to make a good deal of allowance for the length of time which has elapsed since then?—A. In the fishing business it is the sole thing we have to think about, and anybody with a tolerably retentive memory ought to remember where he has been fishing.

Q. You cannot be sure that your recollection has not changed 40 or 50 barrels in the space of an hour?—A. I could not be positive. In this matter I speak as I feel—I speak as my impression is. I don't want to color my statement, or anything of that kind.

Q. Your memory can't carry you accurately back to things occurring in 1864?—A. I don't claim that it is perfectly correct.

Q. When you estimate the fleet at 600 sail, did you include the provincial vessels?—A. I estimate the American fleet at that number.

Q. And you think that the average catch per season of each of those 600 sail would be 600 barrels?—A. About 600 barrels.

Q. That is supposing all made three trips, as you did?—A. No; some of them probably did not make three trips; but some of them caught 1,200 and 1,500 barrels. Captain Leighton caught that number that year.

Q. What Captain Leighton is it?—A. Captain Andrew Leighton, of Gloucester.

Q. How many trips on the average do you estimate the 600 sail made?—A. They would average about two trips. Quite a number made three trips. Two trips is a fair average.

Q. In 1865 you left Gloucester about 4th July, which would bring you in the gulf about the middle of July?—A. Yes.

Q. You found 600 American sail there you think?—A. I think not that many at that particular time. There was that number during the season.

Q. Your first catch, I understand, was made in six weeks. How many was it?—A. 325 barrels, I think.

Q. Some of them were caught round the Magdalen Islands; how many?—A. We did not fish much round Magdalen Islands with Captain Cash. Probably 125 barrels we caught there.

Q. And the rest of them at Cape North?—A. In the bend of the island, between East Point, St. Peter's, and along at Rustico.

Q. And most of the rest within three miles of the shore?—A. Yes.

Q. Fifty barrels were caught outside?—A. Speaking about the Magdalen Islands, I mean 50 barrels were caught outside the Magdalen Islands.

Q. How many were caught more than three miles from the shore on the first trip in 1865?—A. Most of them were caught in the bend of the island, within the three-mile limit.

Q. What proportion was caught outside?—A. We did not catch over 25 barrels outside, to the best of my knowledge.

Q. Then you transshipped at Canso?—A. We went to Canso and refitted.

Q. At what time did the second trip begin in 1865?—A. I think we made the first trip in six weeks.

Q. How many was the second catch?—A. Three hundred and thirty-five barrels.

Q. Where was the second catch taken?—A. All taken in the bend of the island—all taken close inside.

Q. After your second catch, what did you do?—A. That was the end of that voyage.

Q. At the end of 1865 you left the business, I believe?—A. Yes.

Q. What did you engage in?—A. I went into the fishing-boat business and purchasing fish.

Q. You had done well as a sharesman?—A. I had done fairly well.

Q. You made unusually good voyages and did very well?—A. I did very fairly.

Q. You did far above the average?—A. In giving these figures, I have given what I thought was the average.

Q. Did you not have a pretty distinct reason for giving up the business at the end of 1865?—A. Nothing particular. In the fall of 1865 I came home. I believed I could do just as well at home.

Q. Had not the fact of the Reciprocity Treaty being about to come to an end something to do with it?—A. That did not enter my mind.

Q. Did you not think that would affect you?—A. No; I might have had an opinion about it, but I never thought of it.

Q. Did you never think whether the exclusion of the Americans in 1866 from your inshore fisheries would not make it better for the islanders, or whether the imposition of a tariff on mackerel would make it worse?—A. No.

Q. Irrespective of that consideration, you concluded to come and live at home and fish in boats and buy fish?—A. Yes.

Q. Which do you do most at?—A. I do better by staying at home.

Q. Which do you do most at—buying fish or catching fish?—A. I do most at buying fish.

Q. You buy from the farmers who fish in boats?—A. No; I buy it from fishermen.

Q. From parties who are engaged in the fishing business solely?—A. From those who are in the business solely and do it for a living.

Q. Are they fishermen from whom you buy, or farmers who fish part of the year?—A. They are farmers, but they live rather by the fishing than by the farms, and they have done so for the last thirty years.

Q. But they raise crops?—A. Yes; but they are very slight. They do not raise enough to sustain them; they raise a little hay.

Q. Those are not the farmers who make the island a garden?—A. Those are people who are more given to fishing than to farming, and who are most suitable for it.

Q. It is not true of the islanders generally?—A. Of course we have an agricultural population.

Q. Were you connected in business with any one when you began to live on the island?—A. No.

Q. You have told us that your home was at Souris?—A. Yes.

Q. What have you done with the fish you bought?—A. I sold them to island people.

Q. To whom?—A. To Mr. Carvell, of Charlottetown; and Hon. Daniel Davies.

Q. Any one else?—A. No one else.

Q. Are they engaged in exporting fish to the United States?—A. I think Mr. Carvell was at that time. I don't think Mr. Davies is; he is engaged largely in fish, but I don't think he sends any to the United States.

Q. What did he do with the fish he bought from you?—A. I don't know; he must have exported it somewhere. I presume he shipped it.

Q. Did he sell to Mr. Hall?—A. I don't think so.

Q. What fish was it?—A. Mackerel and codfish.

Q. Of which was there most?—A. Mackerel. Mr. Carvell bought the mackerel; I don't know what he did with them.

Q. Did he buy the whole of the catch?—A. Yes.

Q. Captain Binney, whose opinion you gave in regard to the value of the inshore fisheries, where is he from?—A. He was in a Gloucester vessel.

Q. What vessel was he in?—A. He was in a large topmasted schooner, but I don't remember her name.

Q. When had you that conversation with him?—A. Last summer.

Q. You have said that the mackerel caught by boats do not compare with those caught by vessels, because those in boats are not so well taken care of?—A. Yes.

Q. Is there not a difference in the size?—A. On the south side there is a slight difference; on the north side they are about the same.

Q. Then as a rule, are the fish the boatmen catch as large as those caught by vessels?—A. The mackerel caught in the vessels are better only, I think, in the way of saving them.

Q. Is there not a very great difference in the value after they are cured?—A. Considerable difference.

Q. When you spoke of a catch being No. 1 fish, did you speak of boat fish or vessel fish?—A. I had special reference to vessel fish at that time.

Q. How about the boat fish?—A. The proportion of No. 1 fish is a little less.

Q. Please explain to the Commission the difference between No. 1, No. 2, and No. 3; what makes a No. 1 mackerel and a No. 3 mackerel?—A. Of No. 3 there are two qualities. Small No. 3 is anything inside 13 inches, and are poor. It is altogether a matter of thickness of body and fatness.

Q. It does not depend entirely on the length of the fish?—A. The length has not so much to do with it as the quality, the condition of the fish, and whether it is fat or poor. Thirteen inches make a No. 1 fish; some that would be a No. 3 would make a No. 1 if fat enough. It is pretty hard to describe, the difference, because it rests with the season. They are all No. 3 in spring, and as they get fatter they get better; this is after 1st September. There are extra No. 1, which are 14 or 15 inches in length.

Q. In regard to the duty, do you think it would be no hardship to pay the duty if American seamen were excluded from the inshore fisheries?—A. That is my opinion.

Q. Then, as you think, you would have a monopoly of the markets for forty millions of people?—A. Yes.

Q. I understood you in another part of your testimony to say that the summer price of mackerel had gone up from \$6 to \$15 per barrel in consequence of the failure of the American catch?—A. Yes.

Q. Must there not be a considerable American catch when its failure during a particular year has such an effect on the price?—A. It so happened that the failure of the American fishing-grounds has found the

American market in a very bare condition, and that has to be taken into consideration.

Q. There has been a good deal of mackerel caught in the worthless American waters!—A. There has been for the last few years.

Q. Pretty much all that was caught for the American market for the two years previous were caught in American waters, were they not? Your island fishery was a failure last year!—A. No.

Q. Was it not declared by the reports made to the government to have been a complete failure? It fell off very much!—A. They were not quite as plentiful as previous years.

Q. That is the way you want to put it!—A. That is the way I want to put it.

Q. Not quite so good, but nearly as good!—A. Very nearly so. Our boats did nearly as well last year.

Q. Did the American vessels come here nearly as much?—A. No.

Q. So far as they were concerned it was nearly a failure!—A. I think they did not do nearly as well as before.

Q. Not nearly as many of them came?—A. Not so many.

Q. Are you aware that immense quantities of mackerel were taken in 1874 and 1875 in the American waters by purse seines?—A. Yes.

Q. Is it your opinion, as it is of others, that Americans intercepting a school of mackerel, as they come north, with purse seines, is one cause of the diminution of the quantity here?—A. That is my opinion.

Q. So that if they had purse seines enough and used them in the same reckless, extravagant way they have done, you would not get any mackerel up here!—A. I think the tendency would be to wholly destroy them.

Q. If 600 or 900 American vessels devoted themselves to seining along the American coast, would it not very largely diminish the supply of mackerel in your waters?—A. That would depend on the course the mackerel might take. This year they had taken an outside course.

Q. If the seiners took the same course as the mackerel, they would get a large proportion of them!—A. If they could find them. Of course, if they did find them they might do so.

Q. Do you think that mackerel in American waters keep outside the three-mile limit as a rule, and that in Canadian waters they keep inside?—A. I said I was not so well acquainted with the nature of the fish in American waters, but from information I had obtained, they keep outside.

Q. The boat fishing of the island, you think, in 1875, had increased 100 per cent. on the previous ten years; has it not increased that amount in the last four years?—A. I think not.

Q. Ten years ago there was comparatively little fishing, was there not?—A. In some places there was nearly as much as there is now. At other places it has materially increased.

Q. You were one of the earliest men in the business, I believe?—A. Not at all. There have been many people engaged in it during 30 or 40 years.

Q. I had the idea that the boat mackerel fishing was not carried on to any great extent as far back as ten years ago!—A. I was only speaking from my personal observation.

Q. That goes back more than ten years!—A. As long as I can recollect, mackerel fishing has been carried on in boats from the island.

Q. To so large an extent?—A. Not to so large an extent as at present; but a considerable quantity was taken.

Q. What quantity would be taken ten years ago by each boat?—A.

To a boat on the south side there would probably be 20 barrels. On the north side there would be probably a great deal more to a boat.

Q. How many boats would you estimate were round the island ten years ago?—A. About 400 or 500.

Q. Do you think ten years ago there were 400 or 500 boats which would average 20 barrels of mackerel each?—A. Yes.

Q. And there are now twice as many?—A. Yes.

Q. And they catch more?—A. They catch more.

Q. How much did the boats average on the north side?—A. Some 250 barrels.

Q. They are not the same kind of boats as at the south side?—A. They are larger boats. When I spoke of 20 barrels I was speaking of small boats.

Q. You were absent in the winter of 1869, and in the years 1871 and 1872—where were you then?—A. In California.

Q. You have spoken of what you called the right of buying supplies?—A. Yes.

Q. There are people who make a business of selling American fishermen the supplies they need?—A. Yes.

Q. And they advertise that they keep stores and sell such supplies. They seek customers as other traders do?—A. I presume they do.

Q. They advertise in the Gloucester newspapers?—A. I have never seen any of their advertisements, but they may do so.

Q. They try to do all the business they can, as other traders do?—A. I am not aware that they go outside the limits.

Q. They make an effort to do a good, thriving business?—A. I cannot tell you; I presume they do. It is only reasonable to suppose they would do so.

Q. They don't sell their supplies to the American fishermen at a less price than they could get elsewhere? They are not animated with a desire to benefit the fishermen, but to reap profits for themselves?—A. Yes.

Q. They do profit pretty well?—A. I don't think they have prospered.

Q. Have they not made money?—A. I was last fall in the Straits of Canso, and the place did not look very prosperous.

Q. They had bad times last year; it is well known that they suffered distress at Canso?—A. I knew they had been affected by the trade depression.

Q. Are you not aware of the fact that there was distress?—A. I am not aware of the fact. I was speaking of the look of the houses; where I saw a prosperous business a year ago, there was nothing doing.

Q. The prosperous business of a year ago you say had declined to nothing; don't you think that had something to do with the absence of the American fleet in 1875 and 1876?—A. It may have had.

Q. Don't you know that it had?—A. I am not positive of that. It is my opinion that a great many who extended their business in order to do trade with American fishermen, ruined themselves now that the business has declined. They have ruined themselves in order to do that business.

Q. You have been speaking now of traders who sold what?—A. General supplies.

Q. Such as ice; and what else?—A. Well, a general stock of provisions; whatever they require for the voyage.

Q. Food and fresh vegetables?—A. Yes.

Q. The farmers of the island want to sell their produce?—A. Certainly.

Q. They export a great deal to the United States, do they not?—A. Very little until last fall; a very small proportion.

Q. They export potatoes and pay a duty of 15 cents a bushel, which I think is a great hardship!—A. I don't think they considered it a hardship last fall.

Q. They don't think it a hardship to have a duty placed on potatoes they send into the United States!—A. They don't think so. Business men sold potatoes to the Americans, and they (the Americans) paid the duty.

Q. What I want to get at is this, whether you do not think it desirable for the farmers of Prince Edward Island to have people come there and buy their potatoes, vegetables, butter, milk, and eggs, and all other produce they raise, instead of their being obliged to send those supplies into the United States!—A. I don't think our farmers are obliged to send their produce out of the island. They have a market at home for all those things, and it is increasing continually. What they sell to the American fishermen does not amount to much. Some of the vessels get potatoes and produce of that kind, but they don't get their full supplies at the island.

Q. Take Charlottetown: this summer you are expecting an American fishing fleet of 900 sail; if they come, will they not improve business?—A. It will to a certain extent.

Q. Will it not give the farmers better prices for their produce?—A. I think not.

Q. Don't you think customers are a good thing when people have anything to sell?—A. I do.

Q. Is there anything about American customers which makes them more undesirable than other customers?—A. No; but what the American fishermen principally buy the farmers cannot furnish, viz, barrels and salt.

Q. Do they not buy fresh vegetables and meat?—A. That is a very small proportion of their outfit.

Q. But does it not make a good deal for each vessel?—A. It is an item in the account; that's all we make of it.

Q. Is it not an item which it is an object to you farmers to secure?—A. I don't consider the privilege of supplying vegetables to the American fleet is anything more than common trade. The same vegetables would bring the same price if sold to our own people. The Americans do not pay any more than the farmers could get from the people on the island. We have a market for everything of that kind.

Q. Let us know whether the sale of meat and fresh vegetables by the farmers to American fishermen on their trips is not an advantage.—A. It may be a slight advantage, but I don't consider it is a very great boon to the island people, for they do not get more for their provisions than they get from their own people.

Q. Of course the Americans do not pay more, but the farmers have more customers?—A. We are very fortunately situated; we have a market for everything we can raise.

Q. You have sufficient markets for your produce without these 8,000 or 10,000 people?—A. Yes.

Q. Prince Edward Island could get along by itself with no communication with the rest of the world?—A. I cannot second that statement.

Q. You don't state that the American fishermen who fish off North Cape catch a considerable amount of codfish inside the three-mile limit?—A. No.

Q. Is there any doubt that the cod-fishery is a deep-sea fishery?—A.

They sometimes fish pretty close in, but as a general thing it is a deep-sea fishery.

Q. Cod-bait is herring, which sometimes Americans fish for, but usually cannot afford to fish for, and therefore buy it?—A. It is a matter of economy with them.

Q. Is it not a matter of profit to the people who have caught herring to sell them?—A. I presume it is.

Q. It is a benefit direct to those who catch the herring to sell, as well as to the Americans who buy it for bait?—A. I suppose it would be so.

Q. Every business, buying and selling, is a profit on both sides, is it not?—A. Sometimes the business is pretty one-sided.

Q. About throwing offal overboard; that was said to be injurious, but it turned out that the cod-fishermen keep the offal barricaded up and don't throw it overboard until they are through their fishing at a particular spot?—A. Between the time of making the trips, when the fishermen are moving from one locality to another.

Q. It turned out also that the American mackerel-fishers do not drop the offal into a school of fish, because they have no desire to spoil their own fishing, but that was when they were passing from one ground to another they throw it overboard?—A. Sometimes while passing from one ground to another, but I have known them throw it overboard when they had done fishing.

Q. The American captains don't intend to spoil their own fisheries?—A. Certainly not.

Q. So they take pains not to drop offal into a school of mackerel?—A. Very few seem to take much pains in the matter or consider the matter.

Q. They are a reckless, ignorant set, you think?—A. They don't seem ignorant, but they don't give the matter that consideration they should give it.

Q. Do they injure their own fishing by throwing offal overboard?—A. They injure their own as well as the fishing of the other boats.

Q. About Gloucester: is it the opinion that fortunes are in the fishing business?—A. I was only there from 1862 to 1866.

Q. Don't you know that, though probably for a short time, when everything was going up early in the American war it was so, yet for a good many years in this business it has been difficult to get a new dollar back for an old one?—A. No; I have never heard it; still it may be so.

Q. Have you heard anything about it?—A. Every year I have had conversations with business men.

Q. Have you heard anything of the profits of the mackerel-fishing since 1866?—A. No; I have not.

Q. So you don't know whether it is a losing or gaining business?—A. No.

Q. Do you know how the business has been on your own island?—A. Yes.

Q. Some have met with misfortune?—A. Yes; but on the whole I think they have advanced.

Q. I think you said you had seen some Americans fishing for herring for bait?—A. Yes.

Q. Where was it?—A. Around the Magdalen Islands and in our own harbor at Souris.

Q. When did you see American fishermen fishing for herring for bait in your harbor?—A. No later than this spring.

Q. How many were there and how long did they remain?—A. Three or four were setting nets for three or four days right in the harbor.

Q. That was rather unusual?—A. They go to St. Peter's Island very often to catch bait. It is at the mouth of Hillsboro Bay, at the entrance to Charlottetown.

Q. You have spoken of seining. There has not, I believe, been a great deal done yet in seining in British waters?—A. Not till this summer.

Q. Has there not been some trouble found by those using seines in British waters; have they not spoiled their seines a good deal?—A. It was in consequence of their being too deep, but that has been remedied by cutting out the center. They now claim that the seines are all right.

Q. The experiment has not been much tried in these waters?—A. It has been tried enough to fill three or four vessels in a week.

Q. I believe you said it was Captain Lee, of Gloucester, who got 180 barrels of mackerel at one haul?—A. Along with the mackerel he had his seine filled with herring.

Q. Where was that catch made?—A. At North Lake, 3 or 4 miles from East Point.

#### No. 4.

JOSEPH CAMPBELL, 38 years, Souris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been engaged in the fishing business during your life?—Answer. Yes; since I was able, until within a few years past.

Q. What branch of the fishery business did you follow?—A. Boat fishing.

Q. From the shore?—A. Yes.

Q. Up to what date were you engaged in this branch?—A. Up to 1855.

Q. Were the boats very numerous then—that is, the island boats?—A. Not so numerous as now.

Q. Were you fishing on the north or south side?—A. On the north side, in a small boat.

Q. What was the average catch in those days?—A. Twenty-five or thirty barrels.

Q. That would be a season's catch?—A. Yes; of mackerel. Besides these we caught codfish.

Q. Were they taken in about the same distance?—A. We took the codfish outside the limit within which we caught the mackerel.

Q. Where would you take the mackerel?—A. In boat fishing, generally from a mile to a mile and a half or two miles out. Codfish would generally be beyond the limit.

Q. How far out?—A. From three to six miles—that is, on the north side. In the spring of the year, of course, they would be inside.

Q. Was there much of an American fleet about where you were fishing in 1855? Take that particular locality.—A. There were a good many of the American fleet after the middle of August.

Q. How many would there be?—A. From 250 to 300 sail.

Q. Where would those vessels catch mackerel?—A. On the same ground that we used—from half a mile to 2 miles or 2½ miles from the coast.

Q. Did the fleet remain any length of time off the shore, any distance

—that is, outside the three-mile limit altogether?—A. We did not consider there was much fishing done outside the three miles.

Q. Well, in 1856 and 1857, where were you?—A. On the Labrador fishery.

Q. In 1858 where were you?—A. I went down in a vessel to Seven Islands for mackerel.

Q. How are the fish caught down at Seven Isles? I ask because it is different from other places.—A. We caught ours in seines.

Q. Did you use the purse-seines?—A. No; a drag-seine.

Q. Up above Seven Islands, how far from the shore are mackerel taken?—A. We sometimes go within 100 yards, sometimes closer. We anchor the vessel and go in a dory.

Q. Did you get a catch in that visit?—A. We got 200 barrels.

Q. You got 200 barrels?—A. We got 200 barrels; some got a good many more; I would say that would be about the average.

Q. They were all taken within this space?—A. Yes.

Q. In the year 1859 what vessel did you go in?—A. In the Daniel Webster, from Gloucester, Robertson, master.

Q. What time of the year did you come down?—A. Some time in July—late in July.

Q. Where did you go?—A. To the Bay of Chaleurs.

Q. What quantity did you catch?—A. 110 barrels.

Q. How far from the shore?—A. They were all within three miles altogether—what we caught there; we then came out and fished from Miscon Island; that is, the island at the mouth of the bay. There we caught outside of the limits—8 or 9 miles out.

Q. What did you catch there?—A. Between 60 and 70 barrels.

Q. Where did you go from that?—A. We followed the shore to Escuminac. We picked up considerable mackerel, more or less every day. We then struck across to North Cape, Prince Edward Island, and followed the shore down.

Q. What was your entire catch?—A. 310 barrels was the entire catch.

Q. Off the coast of Prince Edward Island do you go within or outside?—A. With the exception of ten barrels, we got all inside.

Q. How far from the shore?—A. From half a mile to two miles off the coast of Prince Edward Island.

Q. Is that the only trip you made?—A. That is the only trip we made.

Q. What proportion of the whole catch did you get outside?—A. About 70 or 80 of the 300 barrels were taken outside.

Q. What time did you return to Gloucester?—A. We left in September some time.

Q. What was the number of the fleet in the bay?—A. About 450 sail.

Q. Do you remember what the average catch of the fleet was?—A. I could not tell you.

Q. In 1860 what vessel did you go in?—A. The Daniel McPhee, from Gloucester. Master, Daniel McPhee.

Q. Where did you go?—A. We went to the bay. We landed and took dories and went up to the Seven Islands again. There we got 80 barrels at the same place as before. From that we went farther up to a place called Boubon, and got 20 or 30 barrels there close to the shore. We then crossed to the southern side, to Griffin's Cove, and picked up about 20 or 30 barrels there. We then crossed to Gaspé, then to Bay Chaleurs, picking up more or less every day. We were line fishing then. We gave up the boats after leaving Seven Islands. We went to North

Cape, Price Edward Island, to finish our trip. We made only one trip, and went home.

Q. What was your catch?—A. We got 280 barrels; that was in 1860.

Q. Did you take any of these outside the limit; and, if so, in what proportion?—A. We did, some.

Q. What portion of the 280 barrels did you take outside?—A. 65 or 70 barrels, at the outside.

Q. What was the average catch that year?—A. I do not know.

Q. In 1861 what did you do?—A. I was in the R. H. Oates, Captain Nason.

Q. What time did you come down?—A. The 15th of July.

Q. Was that early?—A. It is not early. It is a fair time. We did not find them bite where we first fished, and we then went up to Bay Chaleurs. We got about 120 barrels there—about 90 barrels inside and the rest outside.

Q. That would be thirty barrels outside?—A. Yes, about that. We fished off Miscou and got about 20 or 30 barrels off shore. We then came down the shore to Escuminac and picked up more or less every day along the shore.

Q. Close in, or off?—A. Close in.

Q. Where did you get your next catch?—A. We got five or six barrels along the shore to the bend of the island (Prince Edward Island). There we got seventy or eighty barrels in one day close in.

Q. Within the limits?—A. Between two and three miles.

Q. What was the total result?—A. 310 barrels.

Q. What did you do with them?—A. We took them back to Gloucester.

Q. Did you make only one trip?—A. I made only one trip in her. I left her at Gloucester.

Q. What were fish bringing then?—A. They were low. In 1861 mackerel brought from \$12 to \$13 and \$14 a barrel. That was the year the war broke out.

Q. After leaving this vessel what did you do?—A. I went to the American shore in a vessel with Captain Hunter.

Q. What time of the year did you start?—A. It was a fall trip. We started about October.

Q. Where did you fish?—A. We fished in different parts of the bay. We shed off Cape Cod and got 80 barrels.

Q. What time did you return?—A. About the 10th November.

Q. Is that considered a fair catch?—A. It is for that year.

Q. Was it considered an average catch?—A. Yes.

Q. What distance off the shore did you take those?—A. Sometimes we got them fifteen or twenty miles off the land; some more times within seven or eight miles.

Q. Nothing like the same distance as here?—A. No; they do not attend the shore the same as they do here.

Q. That ended the season's fishing?—A. Yes.

Q. Did you go fishing in 1862?—A. Yes; in the C. C. Davis, Captain Sinclair.

Q. When did you leave?—A. About the 15th July. We went to the Gulf of Saint Lawrence.

Q. What was the result?—A. We started with Seven Islands again. We did not do anything there, did not catch a mackerel. We then struck across to the southern shore, and did not get anything there. We then came down to Bay Chaleurs and got considerable mackerel—

120 barrels in the Bay Chaleurs. Then we came to Bradley Bank, where we got about 30 or 40 barrels. We then went back to Bay Chaleurs. We came out without any more trials, and went across to North Cape, finishing our trip, with the exception of a few that we caught at Margaree Island.

Q. How many did you get on the north side of Prince Edward Island?—A. We caught 308 or 310 barrels, as nearly as I can remember. Nearly all these were taken within the limits. We got about 90 or 100 barrels of our whole catch outside.

Q. What was the number of the American fleet in the bay that year?—A. They were increasing; there were more than in the previous year.

Q. What was the average catch they made; do you remember?—A. About 400 barrels. That was in 1862.

Q. Did you fish any more that year?—A. I went home and fished on the home shore, that is the American shore, in the fall of 1862, in the Daniel McPhee.

Q. What did you catch there?—A. We caught 40 barrels.

Q. Only 40 barrels! That was in 1861 that you got 80 barrels there in the fall trip, and in 1862 you got 40 barrels!—A. Yes.

Q. Was that considered a fair trip or not?—A. We were not very long out. We went home in October and went out for about three weeks.

Q. Where were those taken?—A. They were taken pretty much the same as the year before, outside.

Q. That ended that season?—A. Yes.

Q. What did you do next year?—A. I did not go fishing in 1863 or 1864. In 1865 I went from Gloucester with Captain Beatty, in the Galena.

Q. When did you come down?—A. We left in the latter part of June. I was early on the ground.

Q. What did you do in the Galena?—A. We took a fair catch. We got up to the first of September 600 odd barrels. We then went to Canso and reshipped them, as we call it. Then we returned to the bay and got about 310 barrels more. We made in the round season's work between 900 and 1,000 barrels—something more than 900 barrels.

Q. Where were they caught; in what proportion inside and what outside?—A. We got about 300 barrels up Bay Chaleurs, of which 80 barrels were outside. We then came down and fished. We went to Magdalen Islands, and from that to the east point of Prince Edward Island, from which we worked up to the bend of the island. A large part of what we took was taken in the bend of the island and in the Bay of Chaleurs.

Q. In the bend of the island, did you get any outside?—A. Some; I could not say exactly, but we got more or less outside.

Q. But half were got inside?—A. More than half; considerably more than half; we always do.

Q. What did you do in the fall trip?—A. We transshipped in Canso. In the fall trip, after transshipping, we returned to the bend of the island. We got some there, and worked out to the North Cape. We picked up 200 barrels and returned to Margaree Island, fishing between that island and Port Hood.

Q. What proportion of the 300 barrels taken in the fall trip were within the limits?—A. We got about 80 or 100 outside.

Q. Supposing you had not transshipped, what would have been the result; would you have been able to make your second trip?—A. Yes;

but we would have lost considerable time. We ended the first trip in September.

Q. How long would it take to go to Gloucester and get back?—A. Twelve or fourteen days.

Q. Do you put any value upon this right of transshipment?—A. Yes; it is a benefit in preventing the loss of time.

Q. You cannot estimate to what extent?—A. No.

Q. Is it worth another trip or not?—A. Not the whole trip.

Q. What did the fleet do generally that year that you made this large catch?—A. This was one of the biggest years we had. Everybody did well that year.

Q. What was the average catch?—A. I would say it was 600 barrels.

Q. You were a long way above the average?—A. Yes; we got between 900 and 1,000.

Q. You think the average of the whole would be about 600 barrels?—A. Yes.

Q. What did you do next year?—A. I went to the gulf, fishing again, in the William S. Baker.

Q. You came to the Bay Saint Lawrence?—A. Yes.

Q. What catch did you make?—A. We came in late; it was August. We made only one trip and got 415 barrels. We had a large vessel.

Q. Where did you catch them, inside or outside?—A. This year we got more outside than in any vessel I was in. We next went to Bay Chaleurs. I do not know how many we got there. We returned down and fished off Miscon. We came along towards Escuminac picking up some mackerel and finished off Prince Edward Island.

Q. You got more outside this time than you did in any other vessel? What proportion of the 410 (414) barrels did you get outside?—A. About 160 or 170 barrels.

Q. That was the largest proportion you ever got outside?—A. Yes.

Q. What was the number of the fleet about this time?—A. It was increasing. There were about 500 vessels.

Q. That was in 1866; what average would the fleet make?—A. Pretty nearly the same as the year before; about 600, or something like that.

Q. Then in 1867 you went too?—A. Yes; in the same vessel.

Q. Did you make more than one trip?—A. Only one.

Q. What was the result of the season's trip?—A. About 500 barrels this year and a few over.

Q. Where did you get them?—A. We got 300 barrels late in the fall off Margaree Island; close into Margaree Island, between that and Broad Cove.

Q. At what distance?—A. Sometimes within one and a half miles, sometimes less than a quarter of a mile, all within three miles.

Q. Where did you get the balance?—A. Some outside, some inside.

Q. What proportion did you get outside?—A. One hundred barrels outside.

Q. That is out of the 500 barrels odd?—A. Yes.

Q. What was the number of the fleet in the bay that year, 1867?—A. About 450 to 500.

Q. What was the average catch?—A. About 400 or less.

Q. Did you go on in 1868?—A. Yes; I went in the Isaac Rich, Captain Bryant.

Q. What time did you go down to the bay?—A. In the latter part of July.

Q. What catch did you make?—A. About 210 barrels. We then went to Charlottetown.

Q. When was that?—A. That was in September or the latter part of August. We transshipped them and refitted.

Q. Those 210 barrels, where did you catch them?—A. We caught some in the southern part of the island, about 70 barrels off Georgetown, outside of the limits. That was the last trip.

Q. But let us confine ourselves to the first trip. You got about 210 barrels. What proportion of these did you get inside and what outside?—A. I can hardly call to my memory. We fished up the Bay Chaleur a good deal.

Q. Give us a general idea of the distance from the shore. What proportion did you get inside and what outside?—A. Pretty nearly the same as before. About two-thirds inside and one-third outside.

Q. Then you transshipped them. What did you make on your second trip?—A. About 210 barrels more.

Q. Did that finish the season's trip?—A. Yes.

Q. Of the second trip what proportion did you catch outside?—A. One hundred barrels.

Q. Nearly half outside?—A. Yes.

Q. Whereabouts did you fish them on the second trip?—A. We fished off Georgetown, on the south side of the island.

Q. You were not up on the north bend at all?—A. Not as yet. We then came along and came up the island. We got about 50 barrels at the bend of the island.

Q. The fleet was about the same?—A. Yes; there were not as many as in 1865 or 1866. They were getting more into codfishing.

Q. Would you say that the proportion of fish taken by other vessels, as regards the three-mile limit, was the same as your own?—A. As nearly as I could form an opinion.

Q. That brings to the end of 1868. Where did you then go?—A. I did not go anywhere on the American coast that fall. In 1869 I was in the Isaac Rich. We came down in August and fished. We did not tranship this year. We went home in the fall, having got 450 barrels.

Q. Where did you take them, with regard to the shore line?—A. We got about 120 barrels in Pleasant Bay, Magdalen Islands, the rest in the bend of Prince Edward Island.

Q. In the bend were they got within three miles?—A. With the exception of a very few, say 20 barrels, they were inside.

Q. Now, in 1869, was the fleet numerous?—A. Yes; about 400 this year.

Q. Was the average catch as large as the catch in the vessel you were in?—A. Not exactly. It would not be as large.

Q. Whatever the catch was, were the proportions taken within the limit as great as yours?—A. Yes; I would judge so.

Q. What was the proportion of yours taken outside?—A. Of the 450 barrels, 110 were taken outside including Magdalen Islands.

Q. Did you go in 1870?—A. I went in a vessel of my own, a British vessel. I have remained since then in my own vessels, British vessels.

Q. Where have you fished?—A. Principally in the Bay Chaleur.

Q. Have you been successful?—A. Yes; I have made pretty good catches.

Q. Where have you taken them, within what distance from the shore?—A. Every year about the same.

Q. I will ask you a general question: From your long experience, what proportion do you say are taken (not by boats, but by fishing-vessels) within the limits, and what proportion outside?—A. Fully two-thirds are taken within the limits, according to my experience, and the other third are taken outside.

FRIDAY, August 3.

The Conference met.

Examination of Mr. Campbell continued.

By Mr. Davies:

Question. Yesterday we came down to 1869, and you stated that was the last year you were engaged in the mackerel fishing in an American vessel!—Answer. Yes.

Q. In what vessel did you go in 1870?—A. In the Athlete.

Q. Of what nationality was she?—A. A British vessel, belonging to St. John, New Brunswick, sailing from the island.

Q. Where did you fish?—A. Up in Bay Chaleur at the first start, then from Miscou to Escuminac; there we fished only a short time. Leaving there we fished from North Cape to East Point, Prince Edward Island.

Q. How many fish did you catch?—A. 316 or 318 barrels.

Q. Will you state what proportion you took within three miles of the shore?—A. We fished principally within the limits; we got 60 or 70 barrels outside.

Q. Those 360 barrels were all taken inside the limits, except 50 or 60 barrels?—A. Yes.

Q. What would you estimate as the number of the American fleet that season—the season of 1870?—A. About 400 sail.

Q. Do you know what was the average catch they made?—A. The average catch would be about 400 barrels, between that number and 350.

Q. Where was the catch taken by the American fleet?—A. We caught principally with the fleet in the bay.

Q. They caught their fish at the same places where you took your catch?—A. They principally went together—a large portion of them.

Q. In 1871 what vessel were you in?—A. In the Odell, of Charlottetown.

Q. Is she an island vessel?—A. Yes.

Q. How many trips did you make in her?—A. Three trips; they were short trips. We got 600 barrels.

Q. That is the total of the three trips?—A. Yes.

Q. In what places were they caught?—A. We went to the bay. We went to Bank Bradley and didn't get anything there. Then struck off and went to Bay Chaleur. We got our first trip altogether there without coming out.

Q. How many barrels was that?—A. Something over 200 barrels.

Q. And the second trip where did you go?—A. We went to Miscou and caught some mackerel there, and followed them down to Escuminac, and picked up about 100 barrels. We came across to the island and finished the trip between North Cape and East Point.

Q. And the third trip?—A. We got a portion of the mackerel on the south shore of the island.

Q. Of these 600 barrels how many were caught close inshore, and within the limits, and how many outside?—A. Two hundred barrels were taken outside—180 or 200, as near as I can tell.

Q. And 420 barrels were taken in the limits?—A. Yes.

Q. Were many American vessels in the bay in the season of 1871?—A. About the same number, and the catch was about the same as the year before.

Q. With regard to the places where the mackerel were taken, was there any difference as to the distance from the shore?—A. We princi-

pally fished with the fleet; we generally went together and fished together on one of the shoals.

Q. In your opinion what portion of the catch that season would be taken inside the limits, and what outside?—A. I could not give an exact estimate. I should say pretty nearly the same proportion as our own catch.

Q. Did you go fishing in 1872?—A. I went only a short time in a small vessel both cod and mackerel fishing; I went trading after that.

Q. What was the name of the vessel?—A. The Whisper.

Q. You only did a little fishing in 1872?—A. Only for a short time in the bay.

Q. How many vessels composed the American fleet frequenting the bay that year?—A. I was not much among the fleet that year. I learned from the fleet that there were not as many in the bay that year.

Q. I think I understood you to say that you were on two vessels fishing in American waters?—A. Yes, after leaving the bay.

Q. In what depth in American waters do you generally fish when you use purse seines?—A. Thirty or forty fathoms and deeper.

Q. Do you use purse seines in deep water?—A. Yes; you cannot use them very well in shoal water.

Q. When Americans come down here with purse seines, how do they manage to use them in our shoal waters?—A. They make a change in the seines, they generally cut them shorter. I know particularly that one man has two seines—one for shoal and the other for deep water.

Q. Do they use these cut seines in American waters?—A. Not that I know of; there is no need for them. The deeper the seines there the better.

Q. What is the depth of the general fishing in British-American waters?—A. From 3 to 7, 8, and 10 fathoms.

Q. Are purse seines allowed to go to the bottom?—A. Yes; but they don't do as well if allowed to go to the bottom.

Q. Will you give the Commission your opinion, as a practical fisherman, of the result of this mode of catching fish with seines on the fisheries?—A. From my experience and from what I have found out, seining is an injury to fishing wherever it is carried on.

Q. To what extent and in what way?—For several reasons. They are taking fish in large quantities and a great many they take are not able to be cured, and there is something about it that appears to destroy the fish more than hooks.

Q. Have you had any conversation with American skippers who use seines?—A. Yes, considerable.

Q. What is their opinion?—A. It is their opinion that seining destroys the fish, of course. But they are bound to get them whatever way they can.

Q. Can you give any information with regard to the season's fishing on the island?—A. Not a great deal, except what I have heard from a few American vessels lying out; they are doing very well around the island. One man in particular, Captain Lee, of Gloucester, who one day hauled in 140 barrels of mackerel in a seine. He had then 240 barrels taken in small catches. He had a lot of herring among the mackerel and he gave them away to the boats.

Q. Did you ascertain what was the probable number of the American fleet there?—A. There were not a great many vessels in. As far as I could find out, they were coming in very fast.

Q. Did you find out the number of vessels which intended coming?—A. They say there will be from 500 to 600 in the American fleet in the

bay this year, on account of the failure of their own fisheries this year. The mackerel fishing in their home waters has not been very successful.

Q. You have given us the number of the fleet engaged in catching mackerel; can you give us the number of American vessels engaged in cod fishing?—A. Yes; I think fully more were engaged in catching cod-fish than catching mackerel.

Q. I understood you to say that, approximately, there would be 400 American vessels engaged in the mackerel fishing—would the number be the same in cod fishing?—A. Fifty or one hundred more are engaged in the cod fishing.

Q. Where do these cod fishers get their bait?—A. They get their winter bait—frozen herring—at Newfoundland, some at Grand Manan. In the spring they come up the Bay of Fundy and get the bait there principally. At this time of the year they strike into the Nova Scotia shore and get bait there. In the spring some go to Magdalen Islands and Newfoundland.

Q. At what distance from the shore are these herring taken?—A. The herrings are all taken inshore.

Q. Could the American fishermen prosecute this cod fishing without getting this herring bait?—A. I cannot see how they could go fishing without getting their bait here.

Q. Are codfish caught to any extent along the coasts of British America?—A. Considerable cod-fish are caught, but not many by Americans.

Q. Do you know whether there are any trawlers off Cape North, Cape Breton?—A. There is more or less fishing every year there by Americans.

Q. Are you able to speak of the number of the fleet engaged there?—A. Not of these late years.

Q. With regard to the duty which was imposed some years ago on British cod-fish. What is your opinion as a practical fisherman with respect to that duty, if your waters were kept to yourselves and American vessels were excluded?—A. We should have all the fish to ourselves.

Q. What would be the effect in regard to the duty if we sent them to the States and paid \$2 per barrel duty?—A. We could set up the price if we had all the mackerel to ourselves.

Q. Do the American fishermen take enough mackerel in their own waters to supply their own markets?—A. Not every year. Last year and the year before they did very well. They took a large portion of the supply for their own market from their own waters, but previous to that they could not do it.

Q. This year did they do it?—A. I don't think it by their own reports.

Q. Do you know anything about the boat fishing in Prince Edward Island?—A. Not a great deal since I worked at the boat fishing myself.

Q. How far off shore do the boats catch mackerel?—A. From half a mile to two miles.

Q. Do they go outside three miles?—A. Not for mackerel.

Q. Has that branch of industry increased to any extent of late years?—A. It has been increasing more or less every year.

Q. Do you know whether the presence of the fleet among the boat fishers is an advantage or disadvantage?—A. During my time of boat fishing it was a disadvantage to a certain extent. When they used to fish among them we would have to clear the way for them.

Q. What would have to clear away?—A. We would have to clear out of the way.

Q. What would?—A. The boats. In boat fishing we fish at anchor, and as their ships would drift they would consequently have an advantage and come down on us. When among the fish they are not particular whether they come over us or not, and we would have to keep out of the way. I know one case particularly. I saw a vessel run a boat down. It was the Marengo.

Q. Is it looked upon by the boat fishermen as an advantage or a disadvantage to have the fleet come in among them?—A. They look on it as a disadvantage, certainly.

Q. You have said Americans do not prosecute cod fishing very much in British waters; tell me where cod-fish are caught by British fishermen?—A. In the spring they fish inshore. The first school strikes along shore and follows bait; but at this season they go out further, to the Banks, probably six, seven, or eight miles. In the spring they are inshore, a different school from that which goes to the Banks.

Q. Where do you take them in spring?—A. From one to one mile and a half from the shore; some part of the season they are close in.

Q. And later in the season they go off?—A. Yes; at this time of the year.

By Mr. Dana:

Q. From what you last stated, I understand that codfish in the spring are found mostly inshore?—A. Yes.

Q. Do you catch them in boats?—A. We have trawls.

Q. And catch them in trawls?—A. Yes.

Q. Do you follow the cod out to sea?—A. When they go out to sea we take in the trawls and go out with hand-lines.

Q. Explain the mode of fishing with trawls.—A. A trawl consists of long lines made fast to one another, and hooks placed five feet apart. We have sinkers on them and floaters to keep them four feet from the bottom, so that the hooks do not strike the ground. We have a length of half a mile or a mile with hooks on, with an anchor at each end, and buoys to haul them up by.

Q. Is this plan used in deep water?—A. Yes. When used in deep water we do not put floaters on them.

Q. What sort of British vessels are engaged in the cod fishery in the spring?—A. We have not got very large vessels—about 50, 60, or 40 ton vessels. Boats are principally engaged in it.

Q. What months do you find cod-fish plenty inshore?—A. In the month of June. About 1st June they strike in and continue there till the middle of July.

Q. When do they take to deep water?—A. In the latter part of July and August.

Q. Is the American cod fishing carried on in deep water?—A. Yes.

Q. You say it is a different class of fish inshore in the spring?—A. They are larger fish than we catch outside.

Q. Do you mean that the spring fish are larger?—A. Yes; what we call set-line fish.

Q. When do the cod-fish grow so large and fat—is it in winter, or is it a different kind of fish?—A. It is a different school of fish.

Q. What becomes of the large fish that are found inshore at the early part of the season before Americans come up? What becomes of those not caught? Do you know where they go?—A. They go straight off to the Banks.

Q. You don't follow them. If you did follow them, would you not have the same chance to get them as Americans ?—A. Certainly.

Q. You have not many large vessels ?—A. I did all my cod fishing inshore and with boats.

Q. You have not really a fleet of schooners to follow the fish ?—A. There are only a few schooners from the island.

Q. The best bait for cod-fish is herring ?—A. Herring principally.

Q. Do the Americans buy bait for cod fishing ?—A. Yes.

Q. You get herrings at 5 cents per barrel ?—A. Sometimes less and sometimes a little more.

Q. It would not pay the American fleet when they can buy herrings for 5 cents per barrel to go herring fishing ?—A. They would have to pay more than that for them in the winter season.

Q. Where do the Americans buy bait for the cod fishing ?—A. Along the Nova Scotia shore and at the Magdalen Islands ; sometimes they seine it themselves, but not often.

Q. Don't you think it is a benefit to those having herring to sell that the American cod-fishermen should buy it ?—A. Yes.

Q. They have superabundance of herring, so they have to throw them away in large quantities when the season is ended ?—A. No. They may about the Magdalen Islands.

Q. Is it not very well known that at the Magdalen Islands the herrings they cannot either use or sell they throw away in great quantities at the end of the season ?—A. I don't know of any case when they caught so many as to throw them away.

Q. Have you been there much ?—A. Several springs.

Q. American cod-fishermen get bait also from the Bay of Fundy, Grand Manan, and other places ?—A. Yes.

Q. And Newfoundland ?—A. Yes. Those who go to the Grand Banks get their bait in Newfoundland.

Q. You think that the presence of a fleet of schooners is a disadvantage to the fleet of boats ?—A. Yes, to a certain extent.

Q. It is owing to the fact that they are very much larger, and drift down among the boats which are at anchor, and it is difficult for the boats to contend with the vessels drifting, and have to take up anchor and get out of the way ?—A. Yes.

Q. That would be so with any fleet that fished there, no matter whether French, American, or British ?—A. Most certainly ; if it was a large fleet, it would be the same.

Q. What is the reason you assign for there not being more schooners from Prince Edward Island ?—A. I cannot give any sufficient reason.

Q. Partly the want of capital, is it not ? It requires capital to invest in large vessels. Is it partly want of capital and partly want of men ; how is that ?—A. It certainly requires capital. In regard to the number of men, we have a good many fishermen ; nearly as many as other countries in proportion.

Q. A great many are engaged in the American fleet ?—A. There are.

Q. For two or three years Americans have supplied, have they not, substantially the markets in the United States from their own mackerel fisheries ?—A. During the two last years they did remarkably well.

Q. Is it your experience that the mackerel catch is a rather uncertain matter, both as to quantity and as to locality, taking, say, twenty years back ?—A. They have not failed so much with us as they have failed in American waters. They are more certain with us.

Q. On the American coast it is somewhat a matter of uncertainty ;

some years they do very well, and some years very ill?—A. Some years they do nothing at all worth speaking of.

Q. But some years they catch enough to supply their own markets?—A. I don't think it—not to supply their whole markets.

Q. Mainly so; so as to have given them control of the market during the last two or three years?—A. During the last two years they have got large quantities.

Q. Have there not been seasons when there was great distress among your fishermen because mackerel was very scarce, not enough to make a living; have they not petitioned the government for aid and a bounty to enable them to get along?—A. During my time fishing has been very successful here.

Q. You have been so?—A. It has been so at the island generally.

Q. Don't you know cases where there has been great distress among fishermen for want of an adequate catch, and that they have petitioned government to aid them by bounties and other modes of helping them along, even from starvation?—A. It would not be for want of fish, but from some other cause.

Q. Have they not been in great distress for want of fish? Have you not seen reports of officers of the government stating these facts? Don't you know of large public meetings for the relief of the fishermen because their catch was so very small?—A. That was some time ago.

Q. How many years ago?—A. I don't recollect, on account of the fishing alone, seeing any great want.

Q. Was there, among what are called the fishing population, great distress for want of a catch in this part of the world—in Prince Edward Island, Nova Scotia, Cape Breton, and New Brunswick?—A. Of course, some catches are not as large as others.

Q. They have good years and bad years?—A. Yes.

Q. Are not bad years pretty bad years, so that they have suffered?—A. I don't remember that they have suffered a great deal for want of heavy catches of fish.

Q. I mean your neighbors; take the people of Nova Scotia, both sides of the Gut of Canso, along the coasts of New Brunswick, and so forth—have they not had very bad years, when they have suffered for want of a catch?—A. Yes; I recollect of a poor fishing.

By Mr. Davies:

Q. In regard to the question of distress among the fishermen, did you ever hear of any petition being presented from Prince Edward Island, New Brunswick, or Nova Scotia, with regard to distress among the fishermen?—A. I don't recollect it.

Q. Did you ever hear of it?—A. I don't remember that I do.

Q. Did you ever hear of the existence of actual want and distress among the people known as the fishermen class in Prince Edward Island?—A. I don't remember that I do.

Q. Did you ever hear of meetings being held in the island, New Brunswick, or Nova Scotia, called on account of distress among the fishermen?—A. It is something new to me; I never heard of it before.

Q. Is it not a fact that the fishermen catch a large quantity of fish every year—that the average catch is good in these waters?—A. Yes; we consider we have been very successful in our fishing as regards fair catches.

Q. Has any year been marked out when the fishery has signally failed, so as to cause distress?—A. I don't recollect of any.

Q. As a matter of fact, has the class now engaged in fishing increased in wealth, say during the past fifteen years?—A. I think they have.

Q. Are they pretty well-to-do now?—A. Yes, pretty comfortable.

Q. They have made money?—A. They make a very good living, and raise up more or less capital.

W.M. S. MCNEILL, Rustico, Prince Edward Island, called by the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You reside at Rustico, Prince Edward Island, and are a justice of the peace?—Answer. Yes.

Q. And have been a member of the local legislature for some years?—A. I was.

Q. For how long?—A. Thirteen years.

Q. Rustico is very nearly the center of the bend of the island?—A. In the deepest part of the bight of the island.

Q. Have you resided there for many years?—A. I was born about four miles from Rustico, but I have resided in Rustico for 34 years.

Q. Do you live close to the sea-shore?—A. I do.

Q. Bordering on it?—A. On Rustico Bay.

Q. Have you been engaged in fishing any length of time?—A. Yes; a considerable time.

Q. What do you mean by a considerable time?—A. Since 1852, but more particularly during the last 12 or 14 years.

Q. Eighteen hundred and fifty-two was, I believe, the year of the American gale?—A. Yes.

Q. What was the number of the American fleet frequenting the waters of the island at that date—1852?—A. Well, I have no data to go upon, but they visited our waters in great numbers. At the time of the American gale I counted 40 schooners close in the harbor; so close that I suppose they were in three or four fathoms of water. They all tacked in the evening as the gale was coming on. That was only part of the fleet, of course.

Q. Does your recollection enable you to state the number of the American fleet frequenting the island about that time?—A. I should say that 100 to 150 vessels were always in that locality.

Q. Describe where they were.—A. I am not speaking of what frequented East Point or North Cape, but of what fished from Malpeque to Tracadie. That is about the center of the bend of the island; it is reckoned the best fishing ground on the north side.

Q. That number were within sight of your residence?—A. O, yes; they were inshore most of the time.

Q. The number would be how many?—A. Altogether, 150 vessels. We often counted that number.

Q. Did that number continue down to 1852? Can you tell me any year when there was any sensible increase or decrease, or did it continue at that number year after year in that locality?—A. I don't think there were so many after the gale for some years.

Q. What time of the year was the gale?—A. On 5th October, 1851.

Q. How many vessels were lost in it?—A. I think I have seen an account showing that 160 vessels were lost altogether. I rather believe that included American, Nova Scotian, and vessels belonging to all nations.

Q. Were that number lost on Prince Edward Island?—A. I think not; I think Cape Breton was included. It was the number lost in the gulf.

Q. Were they all fishing vessels?—A. I don't think they were all fish-

ing vessels; the large proportion were. There were three lost with all hands about one mile each way from where I reside.

Q. Coming down to 1860, what was the number of the American fleet frequenting that portion of the shore?—A. I should not like to say how many.

Q. Could you give any idea at all?—A. There was a considerable number always in sight. I have no means of knowing the number.

Q. Did you often count them?—A. I often counted how many were in sight at one time. I often saw 50 or 60 come out of Malpeque and come and fish right inshore.

Q. At what distance from shore were they accustomed to fish?—A. They fished very close to the shore.

Q. What distance?—A. It is with boats we catch all our fish there, and we fish from one mile to three miles, mostly about a mile and a half or two miles from shore; and of course the fleet know where the boats are catching mackerel (they have glasses), and so soon as they perceive the boats are getting mackerel, they dash right in and they drift right down through the boats.

Q. Explain how the boats fish?—A. The boats fish at anchor on what is called a spring; they spring their boats and bring them broad-side to the current, so that every man has a chance along the side of the bait.

By Mr. Dana:

Q. They swing by the wind and not by the tide?—A. They are swinging with the tide as much as possible on account of keeping the bait fairly alongside the boat. The lines otherwise would run in a cluster, and foul each other when hauling out mackerel.

Q. How do the vessels fish?—A. They are mostly under jib and main-sail. They haul down the jib and drift along past the boats; they heave any amount of bait, but sometimes the mackerel are very deep down and they are not able to raise them before they drift past the boats. But if the mackerel are handy, near the top, as often happens, the probability is that they will take them from the boats by throwing over a great lot of bait. Sometimes they scare the mackerel so that neither they nor the boats get them.

Q. Is it considered by your fishermen an advantage or a disadvantage to have the fleet fishing among them?—A. Of course it is considered a great disadvantage.

Q. As there is some difference of opinion in regard to that, explain your reason for that opinion?—A. It is easily understood. When the boats raise mackerel the vessels dash in among them and throw any amount of bait and drift off, drawing the mackerel away into deep water. If they raise them, which they generally do, they drift off and draw the mackerel away with them. You will see the glitter of their sides as far as you can observe them. If there is a good school and the fish happen to take the bait right, it is very likely that the vessels will so scatter them that the boats will lose them. Sometimes, as it often happens, the mackerel are deep down. If their bait does not get down to the mackerel from its blowing a good breeze, the vessels may drift off and may not get them the first time; but they will tack and go through the same thing again, but the next time, perhaps, they will take the school from the boats.

Q. You are speaking now from practical experience and not from theory?—A. Yes; I know what I am saying.

Q. You are speaking of what has actually happened?—A. Yes; I have witnessed it myself, often and often.

Q. Do the vessels ever injure the boats?—A. Sometimes they do. I have been applied to more than once, as a magistrate, to know if anything could be done to punish those men who dashed into the midst of the boats.

Q. I suppose you were not very successful in carrying the process of law out to sea?—A. I told them Her Majesty would have to see to that; we were not able to manage that in our little country.

Q. When you entered into the fisheries 14 years ago, did you commence with more than one boat?—A. We have now 8 boats and employ 40 men on an average.

Q. Fourteen years ago when you commenced, had you as many boats?—A. We commenced with a couple of boats, and year after year we have increased the number. Our mackerel fishing fell off last year very much.

Q. During these 14 years you have been fishing, what has been the average catch made by your boats?—A. We reckon 100 barrels to a boat with five hands as the average one year with another; perhaps I am a little under, but that is a safe average.

Q. Has that fishing been a precarious fishing, or has there been a fair average quantity year by year; has it during some years been a total failure, or is there a fair average catch every year?—A. I suppose last year was about as hard a year as there has been for some time, but it was not a total failure.

Q. What was the catch last year?—A. The catch last year was about 60 or 65 barrels to a boat; 65 was an average.

Q. Is not that a pretty fair run?—A. In 1874 with three of the boats we took 1,000 barrels. Six of our boats took 1,800 barrels; that was an extra good year.

Q. Was there ever so much fish taken at the Island before as was taken in 1874?—A. I think not. There were of course more men engaged in the business then than previously. They might have been as plentiful some other years: I believe they were.

Q. What is the size of your boats which take about 100 barrels per year?—A. Our boats are from 24 to 27 feet keel.

Q. And what would be the average cost?—A. They are worth about \$200 apiece.

Q. Does that include outfit?—A. They are worth more than that, but the people build them themselves, and this sum is not counting the time.

Q. But what would be the price of the boat if you had bought it?—A. About \$240. They are all fitted with duck sails the same as schooners.

Q. There are other fishing boats on the Island larger than those?—A. There are some larger boats, but that is the average at Rustico.

Q. You are speaking solely of Rustico Harbor?—A. Yes. There are larger boats to the westward. We find it more profitable to have boats of that size.

Q. For the last 14 years you place what you have stated as the average catch per boat?—A. About that.

Q. About 100 barrels per season?—A. Yes.

Q. How many boats go fishing out of Rustico Harbor?—A. There are two harbors—the little harbor and big harbor; out of the big harbor there will be 80 boats, and the little harbor about 60, altogether about 140 boats from Rustico Harbor, not including the whale-boats, which go out from the coves and which are hauled on shore.

Q. Has this boat-fishing industry increased materially during the past 10 years?—A. It has more than doubled in the last 10 years.

Q. It has been found profitable, then?—A. I suppose they found it so.

Q. Can you give the Commission any idea of how many boats are sent out from other harbors along the coast?—A. From reliable information I have got, there are between 900 and 1,000; 926 boats along the north shore are engaged in the fishery. That is, from East Point to West Cape.

Q. That embraces the north side alone?—A. Yes.

Q. Can you give us an idea of the boats engaged in the fishing business on the south coast?—A. I don't know so much about the south coast; I rather think there are not so many, but there is a considerable number.

Q. Of those 900 or 1,000 boats, you say those to the westward are much larger than those of Rustico?—A. Yes, larger boats to the westward.

Q. How much larger?—A. I suppose they will take two extra hands more than our boats.

Q. Should not their catches be larger than those of your small boats?—A. They ought to be.

Q. As a fact, are they?—A. The bight of the island is the best fishing ground; but, of course, the larger vessels should catch more mackerel. They come down as far as the port of Rustico.

Q. During the 14 years you have been in the fishing business, have you exported your fish to the United States or disposed of it at home?—A. These last 10 years we have established an agency in Boston and we ship our fish; before that we sold them to American merchants doing business there.

Q. As regards the prices obtained for mackerel, can you give the Commission an idea of the average price you have obtained?—A. They have varied a great deal in price during the last 10 or 12 years.

Q. Between what figures have they ranged?—A. I think they were as high in Boston in the fall of 1868 as \$25 and \$26 for No. 1; No. 2 and No. 3 fish were in proportion, but they were down very low in the winter of that year. Mackerel have never been so high as that season.

Q. What is the average price you obtained, or can you make an average?—A. I could hardly give an average. The year of the large catch, I think we obtained \$15 for No. 1, \$12 for No. 2, and about \$9 for No. 3. That was in 1874.

Q. Does the catch regulate the price?—A. I don't know that it does.

Q. What does, then?—A. I don't know that I could venture an opinion on that point.

Q. There were some years during which a duty was levied on island mackerel entering the United States?—A. Yes.

Q. What price did you get those years?—A. I believe we made as much then as we have done since; I don't think there has been much difference. Mackerel has been lower in price in the American market.

Q. Since when?—A. Since 1868.

Q. That is since the duty was taken off?—A. The duty was on; the duty went on in 1867.

Q. During the time the duty was on did the price go up or down? Did you realize as good returns during these years as when the duty was not on?—A. I don't think it made a great deal of difference.

Q. During those years Americans were accustomed to fish on our shores?—A. Yes; they were fishing, of course.

Q. Were they ever excluded, practically, from fishing along our coasts?—A. They were never excluded since I remember. The cutters would give them a little annoyance sometimes.

Q. Did the cutters keep them out?—A. Very few of them; the cutters would take a vessel now and then, but the vessels soon got clear of the cutters.

Q. As a matter of fact, did the cutters exclude American fishermen from the shore and prevent them fishing within the limits?—A. They kept some of the vessels out.

Q. What was the custom when cutters came along?—A. When the cutters came along they took very good care. The American vessels are very swift, and except they were in a calm or in a harbor or bay, very few were taken.

Q. Did they abandon the coast when the cutter went by?—A. No.

Q. What did they do?—A. They still fished there. Of course there were some cautious men who would keep out for fear of losing their vessels.

Q. Do you think any American fishermen abandoned the inshore fishing because warned by a cutter?—A. I think it very unlikely, from my experience.

Q. Suppose American fishermen were excluded from the three-mile limit of our shores, do you think any of them would engage in the mackerel fishery of the sea outside?—A. In our gulf?

Q. Yes.—A. I don't think it would pay them.

Q. All the best fishing is inside?—A. All inshore.

Q. Do you think, if they were excluded from the three mile-limit, any prudent man would invest his capital in the business?—A. I think not.

Q. Have you any doubt about it?—A. I have no doubt about it, if they were excluded from the feeding grounds where the mackerel are taken.

Q. Three miles from the shore?—A. Yes.

Q. Do you call those the feeding grounds?—A. Yes.

Q. Explain to the Commission where mackerel get their food.—A. There is an eddy tide in our harbor. The tide is generally one way outside and another way inside. In that eddy tide there is this red stuff they feed on—shrimp—about this part of the ground. That is what they like. Ours is perhaps the best fishing ground on the coast, on account of the red stuff being at the bottom.

Q. How far is it from the shore?—A. About 2, 3, and 1 mile.

Q. Is it beyond that distance?—A. I think the boats scarcely ever take any mackerel outside of three miles. I suppose vessels get some outside of that. Our boat-fishing is all inside.

Q. If Americans were excluded from the three-mile limit, would they catch sufficient fish to remunerate them for coming to the gulf?—A. I don't think they could make a full fare. They might get some on Bank Bradley at the first of the season.

Q. Would you, as a practical man, fit out a vessel for that purpose?—A. I would not.

Q. Do you think Americans could, if you could not?—A. I think it is doubtful.

Q. Have you any doubt about it?—A. I feel confident it would not pay.

Q. Supposing you had the fisheries to yourselves, and Americans were excluded and duties levied, what would be the effect on the markets.

of the United States?—A. I think there would not be as many mackerel taken into the market. I think the probability is that mackerel would be high, because if they were excluded from the inshore fishery there would not be anything like as many mackerel taken into the American market from our gulf, so that the market would not be glutted as much.

Q. Would you prefer to have Americans excluded and pay a small duty?—A. I don't know about that. I suppose it would be far better for the fishermen if the Americans were excluded. I think this, that when mackerel are taken out of our waters within the three-mile limit in such large quantities it must have some effect upon the market. If we had the inshore fisheries to ourselves, of course we could pay a little duty and it would not affect us a great deal.

Q. What do you say about a duty of \$2 per barrel; would they have any difficulty about paying it?—A. I think we would, perhaps, gain on it in the price.

Q. A question has been asked as to why more Prince Edward Island fishermen do not use vessels instead of boats; can you explain why they invest their capital in boat instead of vessel fishing?—A. They think they can do better with boats. Some had vessels fitted out some years ago, but they gave them up and are now fishing with boats. They find they can catch more fish. They come in and dress their fish during the middle of the day; they go out and come in; they are handy to the shore and are right on the fishing ground at once. Another reason is this, our season is very short. Our fishing-vessels were used as coasters in the fall to carry produce after the fishing season was over, and if it was a bad fishing season the freight in the fall made it up a little. But now, in order to make a successful voyage, you want a smart vessel which is not suitable for coasting; the vessels are required to be built on a different model from those fit to carry our produce to market.

Q. As a matter of fact, they have abandoned to some extent vessel for boat fishing?—A. Yes.

Q. Are there many island vessels engaged in fishing?—A. Yes.

Q. But the fleet has decreased?—A. Yes.

Q. And the boat-fishing has increased?—A. Very much, and they are better boats.

Q. Have you ever heard of any distress among the fishermen of the island, and of a petition to the legislature for bounties, or anything of that kind?—A. I think there was a petition. I have almost forgotten about it.

Q. When was that?—A. I don't know how long ago. I think there was something of that kind, but don't know whether it was ever presented.

Q. Is there any distress existing among those fishermen?—A. I don't think so; they are not to be pitied very much.

Q. In regard to the fish you take in your boats along the shore, can you tell the Commission what proportion would be No. 1, No. 2, and No. 3 mackerel?—A. I suppose nearly one-third of each. At the first of the season they are No. 2 and No. 3, and then in August they are No. 1 and No. 2 principally, and so on to the end of the season, No. 1 quality always increasing toward the end of the season.

Q. When do the mackerel first make their appearance along your shores?—A. About the last week in June. This year they were somewhat later, about 1st July.

Q. You say in your harbor there is an eddy? Tell us about it.—A.

Yes; the tide is very often inshore running one way and outshore another.

Q. Do the mackerel remain there during the whole season?—A. Sometimes they do. In 1874 a school of mackerel remained there the whole summer, sometimes going east and west, keeping within the eddy tide.

Q. Until what date in the summer or fall?—A. Until about 20th October, when they generally go away. It depends a great deal on the winds. If the gales of wind are late in coming in the fall the mackerel remain long, but if the gales commence early in October, they go away sooner. For instance, at the time of the great American gale, there were no more mackerel after that. That was on the 5th October.

Q. Have any of your fishermen ever boarded any American fishing-vessels in deep water?—A. Yes.

Q. What have they found?—A. They found that the Americans could not catch in proportion to their crews what we could in boats. They found some of them that had been fishing with twelve men had not caught as many as some of our boats with only five men.

Q. Do your boats remain all the time on the fishing ground?—A. They come into the harbor at night.

Q. Then you fish during the day?—A. During the day, when the weather is suitable.

Q. What would be your opinion as to the general proportion of fish caught within the limits and outside, altogether?—A. Is that by the vessels?

Q. Or from the boats?—A. I could not say about the vessels; I am not acquainted with the vessel-fishing; but our vessels never could do anything like so well as the boats, although they had the inshore fishery.

Q. Where do you get bait for fishing?—A. We catch herring on our own shore and on the Magdalen Islands in the spring. We also use a great many clams; we can take mackerel with clams when we could not do so with any other bait.

Q. Do you get clams on your shore?—A. Yes; any amount of them.

Q. They are much used for ordinary bait?—A. Yes; and much more so now than formerly.

Q. And herrings are caught on your coast and at the Magdalen Islands?—A. Yes.

Q. Herrings are plentiful on the island coast?—A. They were not this year; but last year they were in abundance.

Q. But generally?—A. We generally get good bait there.

Q. Have you any difficulty in securing fishing bait?—A. Not often.

By Mr. Foster:

Q. You generally get bait from the Magdalen Islands?—A. No; we generally catch it, but we do obtain some from the Magdalen Islands. This spring, however, we got none there; it was not to be had.

By Mr. Davies:

Q. Are the men on the American fleet of vessels accustomed to throw offal on the fishing grounds?—A. Yes.

Q. What is your experience regarding the result of it?—A. The American fleet may come among the boats when a good school of mackerel, perhaps, has been struck and a great many taken, but whenever they throw offal overboard no more mackerel will be caught on that spot for some days afterwards—not until a brush of wind comes to stir up the whole thing from the bottom. I never yet saw a fleet of Amer-

ican vessels fish and take mackerel one day and found any mackerel caught the next day where they had been or for some days afterward, while the boats will go out day after day and catch them. This leads me to think that the throwing over of offal hurts the fishing.

Q. The boats dress their fish on shore?—A. Yes.

Q. And the Americans throw their fish offal overboard on the fishing grounds?—A. Yes.

Q. And in your opinion this injures them?—A. Yes; I have noticed often and often, whenever a fleet of vessels had caught and dressed mackerel one day, no fish are caught there the next day or for some days after.

Q. What do the vessels do when they throw the offal over at a certain place?—A. They go to some other place.

Q. And the boats then lose their catch?—A. The boats cannot follow their example, because they are not calculated to stay out at night.

Q. Do you know anything about the fishing in any other part, save the immediate locality of which you have spoken?—A. It is carried on in pretty much the same way all along the shore.

Q. Do the Americans get any bait on the island?—A. They sometimes buy it at Charlottetown, I believe. I suppose this bait has been imported.

Q. They do not catch any bait?—A. I never saw them do so.

Q. Do you get any codfish on the north side of the island?—A. Yes, some.

Q. Is this fishery prosecuted there to any extent?—A. Not to any great extent.

Q. I believe it is chiefly followed on the south side of the island?—A. Yes; to the eastward, about Murray Harbor, there are a good many cod and hake.

Q. And there are not many near Rustico?—A. We catch a few there; we get the boats under weigh for them before the mackerel come, but we do not do much of it there; all do something, but not a great deal.

Q. How far from the shore do you take them?—A. We catch them in about 20 fathoms of water. In the spring, we get them within the three-mile limit, but after the first school has arrived, they move off into deep water.

Q. You catch the first school always within the three-mile limit?—A. Yes.

Q. Are they large or small fish?—A. They are not very large. Those caught in the spring are pretty large.

Q. They do not seem to follow this fishing largely in Rustico?—A. Not now; it was more followed some years ago.

By Sir Alexander Galt:

Q. What is the depth of the water three miles from the shore?—A. I suppose it would be about ten fathoms. In some places it is deeper, and in some shallower.

Q. I mean about your own neighborhood?—A. Even there, the bottom is uneven.

By Mr. Davies:

Q. You say that during the last two years the fishing was not quite so good as usual?—A. Yes.

Q. How about last year?—A. The mackerel was scarcer last year than they had been for a number of years.

Q. And your catch was about 65 barrels to a boat last year?—A. I think the average was not more. It might have been 70.

Q. Did you find any difference in the position of the mackerel last year? Were they farther out or closer in than usual?—A. They were in just about the same position as usual.

Q. What are the indications this year?—A. When I left they were that we would have a good catch. My son told me that they had got nearly as many mackerel already as we took last year altogether. The fish came this year very much as they did in 1874. They arrived about the same time in the gulf, and they have acted in very much the same way.

Q. What is the general impression regarding the whole season's catch?—A. There are great hopes of a good season. I suppose it will be such. A very heavy body of mackerel is on the shore—the heaviest body that has been there for some years.

Q. Have the vessels of the American fleet come down at all to your waters?—A. Some seiners are there now. I was told before I came away that one seiner took 200 barrels between Rustico Cape and New London Head.

Q. Just off your harbor?—A. Yes.

Q. How far from the shore would that be?—A. It was within the three-mile limit.

Q. Have you formed any opinion regarding the effect the use of seines will have on the mackerel fishing?—A. I do not know much about that. I have been on the Magdalen Islands, where they hauled seines on shore, but I do not know much about purse-seining. My impression from what I have been told about it is, that it is going to be destructive to the fisheries.

Q. Have you formed any opinion as to the reason why the mackerel fishery was not so good during the last two years as previously?—A. There are so many theories and reasons given for it, and these are so conflicting, that I could hardly tell what my own opinion is about it.

Q. You just accept the fact as a fact?—A. There is one thing to be said, there was not a large body of mackerel on the shore.

Q. Did you include the last two years in the average catch you mentioned for fourteen years?—A. Yes.

Q. Including these, it would be as you have said?—A. Yes; because I stated that we caught with these boats 1,800 barrels in 1874.

Q. I have been told that very large quantities of ice have come down during the last two years; would this fact keep the mackerel back?—A. Sometimes; but there was any amount of ice in the gulf this year, and yet we have a large body of mackerel on our coasts.

Q. Was northern ice in the gulf this year?—A. Yes.

Q. Besides gulf ice?—A. Yes. It came in from the north shore, so I do not think that the theory you mention is a good one.

By Mr. Foster:

Q. You stated that you never had any experience in vessel fishing personally?—A. No.

Q. And that for the past fourteen years you have used these boats—how many have you had during this period?—A. We commenced with two, and we now have eight.

Q. You say "we"; do you belong to any firm?—A. My sons are engaged in fishing; I do not do much at it.

Q. You have also bought fish?—A. Sometimes; but not extensively.

Q. Who are your agents for selling your fish in Boston?—A. Our agent is Mr. Russell. They were Wise & Russell, but Wise has retired.

Q. Was the year of the great gale 1851 or '52?—A. It was 1851, I think.

Q. And that year in your vicinity were lost 160 vessels—nearly all American vessels; was not this the case?—A. The greater portion was American—I mean in the gulf altogether. I have seen it so stated, but I do not know from my own knowledge.

Q. Did I understand you to give the average catch of the boats as 100 barrels of mackerel during the past 14 years?—A. Yes.

Q. And you say that there were 926 boats on the north shore?—A. Yes.

Q. You think that they have taken 100 barrels apiece?—A. I was only speaking of the boats which we have ourselves. I did not mean all the boats, because there was a number of small boats which were hauled on the shore. I do not mean it to be understood that the small boats took 100 barrels by any means.

Q. How many small boats were there in the 926?—A. I could not tell how many; but they are outside in the coves; they do not come into the harbors.

Q. And they are included in the 926?—A. Yes.

Q. Would there be more than one-half of the 926 small boats?—A. No; not of the boats that are hauled on the outside shore. These would not form one-half of the 926.

Q. How many barrels would the small boats average?—A. Some of them would do very well, because they are handy and near the place, of course; but they cannot stay out as the larger boats can. I suppose that, on the whole, they would not catch many.

Q. How many do they catch? I want an estimate.—A. They take three men generally in place of five, and they would average in proportion to what the others catch—say the others averaged 100.

Q. If five men caught 100 barrels, then three men would catch 60?—A. Yes.

Q. Can you tell how many of the 926 are boats manned by three men?—A. I could not.

Q. You do not, of course, mean to have, as the result of your testimony on this point, the average for the 926 put down as 100 barrels apiece?—A. No; I am speaking of our own boats in that regard.

Q. And these are larger and better, better manned, and luckier than the others?—A. No; I refer to the fishing of Rustico.

Q. And these are the best?—A. There are 140 of them, and that would be just about the average for them.

Q. The 140 would catch about 100 barrels; do you know of any other boats averaging as much?—A. At Tignish and Cascumpeque, there are good boats and good men, and I suppose that they would do as well.

Q. How many of them would do so? I want to learn what would be the average number of barrels taken by the whole fleet in the season?—A. I could not give that.

Q. But the average is not 100 barrels or anything like it?—A. Well, it would not be for the small boats. I should say that probably there are not more small boats than one-sixth or one-seventh of the 926.

Q. At what would you estimate the whole mackerel catch on the north coast of the island during an average year?—A. I could not clearly say. I think that the catch would, perhaps, be rather more in proportion in our port than westward; that is in regard to the size of the boats; but of course they have larger boats and they consequently catch more.

Q. Do you think that 50,000 barrels are taken in a season on the north coast of the island by your fishermen?—A. No; I do not think so.

Q. Are 40,000 barrels taken?—A. I do not think so.

Q. Are there 30,000?—A. It is doubtful whether they catch so many. I do not think that they do.

Q. Are 20,000 a year taken on the north coast of the island?—A. O, yes; a great deal more than that.

Q. The catch is between 20,000 and 30,000?—A. Fifteen thousand barrels were taken in Rustico in 1874.

Q. That was what you call the great year?—A. Yes.

Q. I want your estimate of the average, because you have given the number of boats engaged on the whole in the boat-fishery during the last fourteen years. You say you think that there are not 30,000 taken, but more than 20,000. Would you put it at 25,000 on the whole north coast of the island?—A. I would say there was.

Q. How many?—A. More than 30,000 barrels caught on the whole coast.

Q. I want your estimate.—A. I will tell you what I believe a boat catches. You know the number of boats, and you can draw your own conclusions.

Q. I prefer to have your own judgment in the matter.—A. I could not say. I do not know whether the fishermen on the other parts of the shore follow the fishing up as closely as we do.

Q. How do you get at the number 926?—A. I have received reliable information from other ports concerning it.

Q. And how did you get at the 100 barrels a boat you told Mr. Davies of?—A. Well, I have had experience in that respect.

Q. If you have experience enough to answer his questions, I think you have enough to give me the benefit of your judgment regarding the whole number caught on the north side of the island. Can you not do so?—A. I suppose that our own fishing is perhaps a little better than it is to the westward, although they have caught a great many fish there this season. I would not, however, say on my oath what the year's catch would be. I could not do so.

Q. Don't you know something about it?—A. I know about the fishing at our own place.

Q. But about the fishing on the whole north shore of the island?—A. Yes; I have an idea respecting it.

Q. What is your idea and best judgment regarding it?—A. I suppose that they catch nearly as much in proportion as we do.

Q. And you will not be persuaded to give your judgment as to the number of barrels caught on the average during the last fourteen years on the whole north side of the island? You do not know enough about it to hazard an expression of opinion respecting it?—A. Nor is anybody able to tell it. You cannot tell in your own country. A great deal of fish is exported which is never passed through the custom-house at all. Mr. Hall and others have vessels along the shore, and they put their catch in boats and send it away.

Q. I want you either to say that you cannot tell anything about it or, if you can, to tell me as well as you are able what it is.—A. I have given my estimate of what the catch may be. The boats on the other parts of the shore are just as well fitted out as ours, and I suppose they catch about the same amount of fish.

Q. Is it your opinion that the average catch on the north shore of the island during the past fourteen years has been 30,000 barrels of mackerel?—A. I think that it would be a little more.

Q. Is it 35,000?—A. I think not.

Q. How far out are the shrimps, the little red stuff on which the

mackerel feed, found!—A. I do not know the limit exactly; but we find them in the mackerel we catch, and we do not go far out with our boats.

Q. In what depth of water are these shrimps found?—A. We catch the mackerel, I suppose, in from three to ten fathoms of water.

Q. Are these shrimps not found in water considerably deeper than ten fathoms?—A. They may be; but I have never been in vessels to see whether or not this is the case.

Q. You have never gone out more than three miles in your fishing-boat?—A. O, yes; and have caught some mackerel out beyond that, but never many.

Q. Still they were apparently on feeding-grounds at more than three miles from the shore?—A. We caught very few outside the three-mile limit.

Q. Your boats are not adapted to going more than three miles out?—A. O, they could do so.

Q. They do very well on smooth water, and that is one of the reasons why you keep so close to the shore, is it not?—A. It is not that.

Q. Has that nothing to do with it?—A. Our boats could go to the Magdalen Islands for that matter.

Q. Do you go there?—A. They have gone there and got a load of herring.

Q. Do you do it usually? We have had a boat, with a man and his wife in it, start across the Atlantic, and they have arrived at their destination, but this is not usual?—A. We do not make a business of it, but we have done it.

Q. Do they make a business of going farther than three miles from the shore? Don't they hug the shore partly on account of their size?—A. Well, no.

Q. That has nothing to do with it?—A. If the wind is off land, of course, the handier they get mackerel the better, but the boats can go any distance out for that matter. They are very good boats.

Q. How far from home do you have to go? You want to get home at night as near sunset as you can, don't you?—A. Sometimes we reach home about twelve o'clock at night, but we do not mind being out if we get mackerel.

Q. How long do they fish?—A. As long as the school bites.

Q. Are shrimps always to be found off the coast, or do they come there from time to time?—A. Sometimes the mackerel have shrimps in them, and sometimes they have none.

Q. Do you know whether they stay habitually about your shores, or whether they migrate?—A. I do not know that.

Q. Did I understand you to say that a vessel could not do as well fishing for mackerel as a boat, even if the former went close to the shore? You thought that the boat fishing was the more profitable?—A. Yes; we find it so.

Q. So you think American vessels could not do proportionately as well as the boats, if the former had a right to fish inside the three-mile limit?—A. Perhaps, everything being equal, they would catch as many fish as the boats.

Q. What was your statement about the fish being drawn away from your boats by American bait?—A. I said that when the boats were fishing at anchor, as they do in the spring, and when the American vessels would run and drift close past them, the latter would draw away the school from the boats.

Q. That very frequently happens, does it not?—A. Yes.

Q. That is on account of the superiority and greater quantity of the bait used by the Americans, is it not?—A. I do not know that it is. They throw a greater quantity in; the bait generally belongs to some rich man, I suppose; but I believe that if there is a strong current our bait, the clam, is preferable.

Q. You have never seen Americans fishing for cod bait on your shores?—A. No.

Q. You know, I suppose, that bait is sold by your people to the Americans, and that your dealers advertise the fact they have such supplies for sale in United States papers?—A. Oh, yes, I suppose they do. I know that they bring down bait for sale.

Q. It is brought from the States?—A. Pogies are.

Q. And do not your people buy it sometimes?—A. Yes.

Q. They buy a good deal of it, don't they?—A. Not a very great deal; they get it for a change.

Q. Do you ever buy it?—A. We do sometimes, just for a change of bait.

Q. This is the bait you speak of as used in quantities by the Americans; the fact is, that it depends on how the people or fishermen supply themselves with bait. The fishermen who are well off buy more of it?—A. The mackerel are a very strange fish in this respect; though you pour in any amount of bait, they sometimes won't bite. Of course, if a lot of bait is thrown in, and there are plenty of mackerel in the neighborhood, they are very apt to follow it.

Q. You have been over to the Magdalen Islands?—A. Yes.

Q. And you know something about the mackerel fishing there?—A. Yes.

Q. Don't they catch a great many there?—A. It is not reckoned a good coast for mackerel.

Q. Many are not found there?—A. They are caught there, but it is not reckoned a good coast for them.

Q. Where is Mouton Island?—A. Between here and Cape Sable.

Q. Where is Barrington Pass?—A. It is near Cape Sable, between that island and the mainland.

Q. Don't these places advertise as you know; and do they not keep a reading-room somewhere here for mackerel fishermen, in connection with a place where bait is sold?—A. I am not aware of it.

Q. It is kept to attract American fishermen there to buy bait?—A. I am not aware of it.

Q. Have you not seen the announcement? It is advertised in poetry in the Gloucester papers in the following manner:

*"Competition is the life of trade." Ice and bait cheap at the fishery ice and bait depot, Emerald Isle, Shag Harbor, Barrington, N. S. By Michael Wrayton.*

American fishermen will find this the cheapest, most convenient and easiest harbor of access on our coast for icing and baiting.

Numerous traps and nets within sight of ice-house. One trap will be kept set all through the season (especially for providing herring bait) inside of Bon Portage Light. On passing this light—

Look sharp in the northeast,  
A fixed red light you'll see  
On the starboard point of Shag Harbor;  
Rounding east, anchor in safety,  
Where you will find fresh bait and ice  
At the lowest price, you see,  
And gain in weight, waste and price,  
By your patronizing me.

So far as your observation or inquiry of American vessels goes, do you know for a fact that when they fish in deep water they do not catch many mackerel?—A. That is what our people, who have been with them have always informed me.

Q. This is not the result of your observation, but it has been told you by others?—A. Yes.

Q. They can not use purse seines except in deep water, can they?—A. They do not go very far from the shore with them.

Q. How deep is the water where they are used?—A. I do not know. I am not acquainted with purse seining.

Q. You do not know that it is not in less than 15 fathoms of water?—A. I do not.

Q. Do the Americans throw offal overboard right into a school of fish and thus spoil their own fishing?—A. No.

Q. But when they are through fishing, they are sometimes careless about it?—A. The mackerel stop biting in the evening, and then the men turn to and dress the fish.

Q. But they do not do it until the schools disappear, or stop biting?—A. No.

By Mr. Thomson:

Q. Is not Bank Bradley, of which you have spoken, off Prince Edward Island, and do the fish not pass over it in spring?—A. Yes.

Q. But they do not stay there any time at all?—A. Not long. I cannot speak from personal observation on the point, but our men in the vessels tell me that they stay there only about a week, I think. I have never been fishing there, but our men that have been there in the vessels say that they only stay there a short time.

Q. But you practically never fished there at all?—A. No.

Q. Did I understand you to say that on the north side of the island, between East and North Capes, there were 926 boats?—A. Yes; that is the information that I have received on this point.

Q. Do I understand you to say that the average catch for a boat for each year is about 100 barrels?—A. I speak with reference to our own harbor in this matter, and that is about what our boats generally get.

Q. Mr. Foster asked you whether you would undertake to say that the whole catch for the north side of the island would amount to more than 35,000 barrels, and you appeared to hesitate?—A. Yes; with respect to the western catch. The 926 boats include those around West Cape and the North Cape; there are 198 boats between North Cape and the West Cape.

Q. You see that if you are right about the average for each boat being 100 barrels, it would be making the catch for the year amount to 92,600 barrels?—A. I spoke with reference to our own harbor.

Q. And the number, 100 barrels, is rather below the average there?—A. Yes.

Q. Did I understand you to say, you had understood from other owners of boats that this was about the average all over the island?—A. No; it is the average at Rustico.

Q. Then you did not mean to say that 35,000 barrels was the amount of the whole catch along the island?—A. Not from East Point to West Cape—no.

Q. You only referred to the neighborhood of Rustico?—A. Yes; and to New London, following the bight of the island.

Q. When you speak of 35,000 being the catch, you mean that it is for

the coast between Cascumpeque and Tracadie!—A. I mean from Tracadie to the North Cape, but not around the other side at all.

Q. How many boats do you say are between Tracadie and the North Cape?—A. I think there are a little over 700.

Q. The boats are larger on the coast as you go up towards Cascumpeque!—A. Yes.

Q. If 700 boats took 100 barrels each, that would make 70,000 barrels!—A. Yes.

Q. And if these 700 took more than your boats, they would catch more than 70,000 barrels!—A. Yes.

Q. Do you mean the Commission to understand that this, in your judgment, is the average number of barrels taken between these two points—Cascumpeque and North Cape on the northern side of the island?—A. It would not be so much as that, because there are a number of small whaling boats which are hauled up in the different coves along the island, and which are only manned by three men; of course I do not include them in the estimate.

Q. Do you mean that the average catch for all the boats, large and small, is 100 barrels each for each year?—A. I am not giving any estimate save with regard to our own harbor, and I believe that number is rather under than over what has been the average catch at this point.

Q. That is the take of boats manned by from three to five men!—A. No; it is the catch in Rustico harbor with boats manned by five men.

Q. Then you do not refer to boats manned by only three men?—A. I cannot speak for them.

Q. You say that 15,000 barrels have been taken in Rustico Harbor alone in one season?—A. That was in 1874.

Q. What you say in reference to the catch beyond Rustico Harbor is utter guess-work on your part?—A. Yes.

Q. It may be a great deal more than the quantity you mentioned to Mr. Foster, and it may be less!—A. Just so, because I do not know it, and our statistics do not give it, for mackerel are shipped outside without being cleared at the custom-house.

Q. Are the shrimps found three miles out from the shore?—A. I do not think so. I have been told that they are not found out there.

Q. I suppose you have at times caught fish outside the limit?—A. Yes, a few. The shrimps are found in eddies not far from the shore.

Q. And, practically, fishing beyond the three-mile limit, either for boats or vessels, is useless!—A. Well, we would not engage in it ourselves because after we go out a certain distance we do not catch many fish.

Q. Could a vessel outside the three-mile limit get a full fare?—A. I do not think so.

By Mr. Foster:

Q. Would you be good enough to turn to the map of the Island and tell us where you find the 700 boats concerning which you read from a memorandum?—A. There are seven hundred vessels between Tracadie and this point and around back again. This number is included in the 926.

Q. How did you get the memorandum you have on a piece of paper?—A. I obtained it from men living in different harbors along the coast and owners of boats.

Q. Have you been round making inquiries about them?—A. I have seen different parties, who carry on fishing there, because I did not know

so much about these as about other parts. There is good fishing along by East Point.

Q. But there are no fishermen there to keep the boats you have been talking of?—A. There are some there who fish in a small way.

Q. Whereabouts are most of the large boats found, so far as you know?—A. At our harbor.

Q. Rustico?—A. Yes, and at Cascumpeque and at Tignish. The latter is not a harbor, but there is a cove there.

Q. And Tignish, Cascumpeque, and Rustico are three places where you find the most of the large boats?—A. Yes.

Q. When this count was being made, could not the large boats have been counted?—A. They might have been.

Q. Were they not counted?—A. They were not.

Q. The large and small boats were lumped together?—A. Yes; the small boats, however, form only a small proportion of the number.

Q. I had considerable difficulty in getting you to make an estimate of the quantity caught by these 926 boats, and I want to know whether you desire to vary the statement you finally made to me under this head?—A. No, I do not.

Q. There were over 30,000 and not over 35,000 barrels taken?—A. I could not estimate it save with respect to our own harbor.

Q. And that is the estimate you made?—A. I estimated that, one year with another, the average catch was about 100 barrels.

Q. And how can you tell that the average was 100 barrels, for the whole 926 boats?—A. I did not say that.

Q. Don't you know how many are large and how many small boats?—A. No.

Q. Do you want to leave this thing by stating that you do not know anything about the total catch of the portion of the island you have pointed out and described, or not?—A. I cannot give an estimate for the year.

Q. You cannot?—A. No.

Q. Then your first estimate was good for nothing, and the estimate you made to me was good for nothing, and the last estimate which you gave Mr. Thomson is good for nothing from want of knowledge to found them all upon?—A. I estimated the catch at my own harbor.

Q. Beyond that you don't know anything about it?—A. Beyond that I do not.

Q. And all you know about the catch in what you call the great year, 1874, is that 15,000 barrels were caught?—A. This was in Rustico.

Q. That is all you know about it?—A. I know we had a large catch that year all over the island.

Q. You do not know anything more about the total catch in 1874, and in the part of the island you have described, save that in Rustico, in that great year, 15,000 barrels were caught?—A. I do not know what the sum total of the whole catch was.

Q. You know nothing else about it?—A. I could not give anything save an idea respecting it.

By Hon. Mr. Kellogg:

Q. What are the small boats you mention as being hauled on shore?—A. These boats are used in fishing outside the harbor, in small coves along the coast.

Q. And they stay out there over night?—A. Yes. They haul the boats up on shore to keep them safe in case of storms.

Q. Does that statement apply to the larger boats?—A. No; but to small whaling-boats.

Q. How many mackerel do they bring in at a time; do they get the boats full?—A. No; they hardly ever obtain so many fish at once.

Q. How many barrels do they bring in?—A. I suppose that they would carry about 2,000 mackerel. They are all whaling-boats. The large boats fish out of the harbor and come in during the middle of the day, when the fish are dressed. They then go out again. The small boats also come in during the middle of the day, and at night they are hauled on shore for the reason I have mentioned.

Q. In fishing there you used a great many boats; how did you tranship the fish to market? By what vessel do you send them there?—A. Yes; we send them to market.

Q. To what market?—A. To Boston.

Q. How? In American, or in your own boats?—A. Sometimes in vessels of our own, and sometimes by the American steamers.

Q. Have you transshipping vessels running?—A. Yes.

Q. There are enough generally to carry your catch?—A. No. We send a good many by boats.

#### No. 6.

STANISLAS FRANCOIS POIRIER, M. P., farmer, mill-owner, and fisherman, of Tignish, Prince Edward Island, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You are a member of the House of Commons of Canada, for Prince County, Prince Edward Island?—Answer. Yes.

Q. Have you lived there all your life?—A. Yes; I was born there.

Q. Do you live close to the shore?—A. My farm fronts on the shore. I live about two miles north of Tignish Harbor.

Q. This is very near Cape North?—A. It is four miles from that point.

Q. You have been there all your life?—A. I was born on the land where I now live.

Q. Is that part of the island frequented by fishermen to any extent?—A. Yes.

Q. For how many years back would you say that in that quarter people have made it a business to prosecute fishing to any extent?—A. This has been the case since 1853 and '4. Since then they have turned their attention to mackerel fishing. They fished for cod previously. Mackerel, cod, and hake are caught there. Our place is a very good hake-fishing ground. We catch and cure a great quantity of them.

Q. I believe that there are some large fishing establishments at your end of the island?—A. Yes; there are many; Hall has a very large establishment there, and also Pope and Howland, and Madison, and several others who own smaller establishments. I refer to Cascumpeque and the part around the North Cape.

Q. I believe there is hardly any part of the island where so much attention is given to the fishing interest as is the case up there?—A. I think not, except perhaps at Rustico.

Q. During these years when you say the people have devoted their attention more particularly to the fishing business, that is, since 1854, has there been any marked increase in the number of boats and people engaged in it?—A. Oh, yes; it has largely increased since 1854; the increase has amounted to 300 or 400 per cent, with regard to the size of

the boats, the number of fishermen, and the quantity of fish taken. We do not fish in schooners in that locality, but in small boats. Our biggest boats have only about 30 feet beam. They are used for hake and for mackerel, because the mackerel are found near us.

Q. You are speaking of the part of the coast extending from Miminegash to Cascumpeque?—A. Yes; around by the North Cape.

Q. The chief fisheries are cod, hake, and mackerel?—A. Yes.

Q. Do you catch any herring?—A. Yes; in the spring. They are the earliest.

Q. Do you catch enough of them for bait?—A. Sometimes. If the ice remains on shore late in the spring, the herring generally go away before the people can set their nets; in that case very few are caught. Last year, however, there was hardly any ice in the spring, and any amount of them were secured.

Q. What is the general result?—A. That we generally get bait enough.

Q. How many boats of the class you mentioned are engaged fishing exclusively between Miminegash and Cascumpeque?—A. I could not on oath state the number positively, but to the best of my knowledge there are about 280 of all sizes, from those having 30 feet keel to those having one of about 15 feet; that is the average size.

Q. What is the cost of a 30 feet boat?—A. Between \$300 and \$400, when rigged out properly, very well built and well fitted out.

Q. What fish come next after herring?—A. Cod.

Q. Is the cod fishery prosecuted to any material extent?—A. Yes; to a considerable extent.

Q. Whereabouts do you catch them?—A. At first very close in to the shore. They generally follow the herring school. They are very often found in three fathoms of water all around the shore.

Q. How near would that be to the shore itself?—A. About a mile from the shore. This fishing continues for about a fortnight, when they are down feeding on the herring spawn, and then these fish move away to meet some other bait, a little farther away; I am alluding to codfish.

Q. Are the cod caught in any great quantities during this fortnight?—A. O, yes, during some years. When the capling strike in on the coast, the fishermen use them for bait, and they secure large quantities of cod.

Q. Do you catch capling there too?—A. Yes. They come right into the surf and are caught in small scoop-nets.

Q. Capling are considered good bait?—A. Yes; very good, while the codfish are after them. You have to get as bait what the cod are following; if not, you cannot catch any fish worth speaking of.

Q. What was the catch of cod this season?—A. I should suppose that it was probably something like 5,000 quintals. This has been the average catch for a number of years past between Cascumpeque and Miminegash. You might get the catch by referring to the statistics in the fisheries department, but there they are apt to confound hake and cod, and there might be a discrepancy in the figures.

Q. And the hake comes after the cod fishing?—A. Yes.

Q. Simultaneously with the mackerel fishing?—A. No. The latter generally begins about the 20th of June around this shore, and the hake fishing commences about the 25th of July, or perhaps the 1st of August.

Q. The mackerel begins first?—A. Yes.

Q. As a general rule, are these fishing grounds good for mackerel?—A. They are very good.

Q. At what distance from the shore are the mackerel taken?—A.

From the 20th of June up through July and August and until the 20th of September, the mackerel are all caught within two miles of the shore around the portion of the island to which we refer. I have been fishing for these forty years in my own locality, and I may safely say that I have never caught mackerel outside of two miles from the shore around there.

Q. They were all taken within two miles of the coast?—A. Yes.

Q. And your recollection extends over a period of 40 years?—A. Yes; I was born in 1823, and I began fishing when I was 12 or 14 years of age. I think I can safely say I can speak from recollection for forty years back. I do not carry on a fishery, but I have my own boat, and I take out a crew.

Q. The mackerel remain on the coast until the 20th of September?—A. Generally about that time we have a heavy storm, and the mackerel will then move a little farther out.

Q. Have the American fleet pursued mackerel fishing in this locality between Miminegash and Cascumpeque?—A. Yes; and very extensively.

Q. And for how many years, in your experience?—A. Ever since I can remember. I remember seeing American vessels there since 1854, more particularly. They have had a large fleet of vessels there.

Q. What would be the average number of the vessels in the American fleet which comes into the bay?—A. It is hard to say, positively, speaking under oath.

Q. What proportion of this fleet frequents the part of the island you have particularly mentioned?—A. I staid at North Cape for some years minding a light-house, and I suppose I saw 300 sail come into the waters between Cascumpeque and Miminegash. That number would be about the average.

Q. Vessels would come and go from other parts?—A. Yes; I saw them pass. There might have been a large number which I never saw. I only speak for the locality to which I have referred. I saw a number of American vessels enter Cascumpeque Harbor for refuge. I think there were about 300.

Q. What kind of a harbor is it?—A. In fact it is the only harbor of refuge on that side, with the exception of Malpeque. It would be a very good harbor if it was a little improved. It is not as good as it was. I know people who remember when they had 22 feet of water on the sand-bar outside, but since then two new harbors have been formed, and perhaps about one-half of the water of the bay runs through new channels; and, consequently, the current being less in the main harbor, the sand has encroached on it. There are, perhaps, 10 or 12 feet of water in it at high tide.

Q. The Americans have frequented it?—A. Yes.

Q. Have you seen many of their vessels there?—A. I have seen, I suppose, 200 sail there at one time.

Q. Did these American vessels fish in as close to the shore as did the boats?—A. They generally came close to the shore. The mode of fishing there needs explanation. Our boats fish at anchor, remaining stationary, because our craft are small, and if they laid to, the motion and drifting would be so great that they would never keep close enough to the cod and mackerel. The latter will follow bait if heaved out. The Americans fish laying to, and we very close to the shore—perhaps at this time of year at about half a mile from it. The Americans run as close to the shore as they can safely do, and I have very often seen them run so close that they grounded. Their idea is to decoy away the school of mackerel, by heaving out a good deal of bait. It makes quite a

quiver in front of the vessel, and keeps running along with the vessel. The mackerel follow the bait, and thus the Americans have a better chance to fish successfully than our small boats, wherever they may go.

Q. What is the effect produced on the small-boat fishing when the fleet comes in?—A. When a large American fleet strikes the shore among the boats it decoys the mackerel away in a short time, because these fish will follow the bait. Then our boats have very often to weigh anchor, or cut their cables and run away from the fleet. The result is, that the mackerel work off whenever the Americans come so near as to strike an inshore school. Perhaps the Americans have better bait than we have. I do not know exactly what bait they use—perhaps it is a little better, but this is the manner in which they act. Whenever they lose a school they come to the windward again, heave to, and commence throwing over more bait.

Q. Is coming to the windward going up the shore?—A. If the wind blows off shore, of course they come right close inshore, as close as they suppose the mackerel are; and around these shores they come in as close as it is possible for vessels to do. In fact, they come sometimes within two fathoms of water.

Q. Are the cod taken here by the American vessels caught within two miles of the shore?—A. As far as I know, very few must be taken outside of three miles from the shore. In fact, I am not aware of any mackerel being caught outside the three-mile limit, all around these shores; some may be caught outside of it, but I am not aware of it.

Q. Do the American vessels draw the fish out beyond this limit?—A. I think that they have done so.

Q. And then, of course, they might catch fish beyond it?—A. Yes; in that case they could. I only speak of it as far as our boats are concerned.

Q. Do the mackerel return to the shores afterward?—A. Not that I am aware of.

Q. Do you mean to say that our fishermen, under such circumstances, lose them altogether?—A. Yes, for that year. When decoyed away, the fish do not come back the same year.

Q. Suppose that the fleet came to-day and fished on the coast, do you mean to say that the shore would be utterly depleted of fish during the rest of the season?—A. My experience is this: that a school of mackerel when once decoyed out from the shore, won't come back that season. It may, however, so happen that another school may strike in there; but the same school will not return.

Q. Suppose that one school was thus taken away, would not others supply its place afterwards?—A. Sometimes this is the case; the reason why we know that the same school does not return, under such circumstances, is because we see it is not replaced by the same quality of mackerel.

Q. Have you formed any idea of the number and average catch of those vessels from conversation with the captains or otherwise?—A. It is very hard for me to arrive at that. If you expect me to be very correct, I could hardly answer. I think something like 400 or 500 barrels a year—some more or less. In some years they may be double; that is, the whole season. I would think about 500 or 600 barrels for the season.

Q. That is the average from year to year?—A. In fact I have very little opportunity of knowing what they would catch.

Q. Do the Americans land much for supplies?—A. Yes. Well, the only place they get supplies that I know of is Casumpec.

Q. You have a railroad there?—A. Yes, the terminus of a railroad.

Q. Do they tranship fish from there?—A. Yes; I think they do.

Q. Is that valued much—that right?—A. It is a great benefit, because if they had to go home and land their fish and get supplies they would lose a trip. For instance, if a vessel could get three trips by going in there, she could only make two by having to go to Boston or Newburyport, or wherever she would have to go to get supplies. That might be, perhaps, at a very particular time of the year, when the mackerel is very close and thick, and biting well. They might lose very severely by not having the privilege of landing and getting supplies. It must be a great privilege to have the liberty of going in and landing their fish.

Q. You value that at one trip?—A. Yes; it is worth one trip.

Q. Have you ever conversed with American captains, that is, about that?—A. Yes.

Q. Do they value it?—A. I do not know that I ever heard them talk of the value, but that is what they often said, that they would lose one catch by not having the privilege of landing. That is the value I heard them put down.

Q. Well, the hake fishery follows the mackerel?—A. Yes; the hake eat the mackerel, and follow them.

Q. Just explain.—A. It is something like a codfish, but generally a larger fish. It will take a less number of hake to make a quintal than of codfish—100 per cent. less.

Q. Do they follow that to any extent?—A. Yes; they follow that a good deal. But those hake are caught in the night-time; they do not bite in the day.

Q. Has the presence of the fleet anything to do with the hake?—A. Well, the hake follow the mackerel, and the mackerel being decoyed outside by the American vessels, the hake will be further out. When the mackerel are close inshore, the hake will be close inshore. For instance, this year we are getting mackerel in five or six fathoms of water all along those shores, and we can catch hake in six fathoms. These hake are caught at night. This enables our small boats to venture that far out at night, because, if it gets stormy, nothing can happen them before they can get in. But when the mackerel are decoyed out, our small boats cannot venture that far at night; it is too far out.

Q. How far would it be?—A. It is four miles out. That is the benefit of having the mackerel close in, as far as the hake fishery is concerned. If they are left alone they come naturally in close. That is what my experience teaches.

Q. Do the people follow the hake fishery extensively?—A. Yes; a good many are caught. I believe more hake are caught around those shores than codfish, by fifty per cent. They are very valuable. The sounds are worth something over a dollar a hundred; I am not very positive. They yield more oil than the codfish, averaging a gallon of oil to the quintal. These are the market values, I think. There is more value in the hake than in the codfish, I think.

Q. And there are fifty per cent. more of them caught?—A. Yes; I think so.

Q. This year has the mackerel fishery been a success, so far?—A. It has been very good, so far; better than it has been for a number of years, so far.

Q. Have there been many caught?—A. Yes; the catches have been very good.

Q. Which is the better time for mackerel fishing, this time of the year or in the autumn?—A. Well, the catches are in the month of August, from the 12th of July until the 15th of September. The best catches are generally with high tide, such as the spring tide, with a full moon or a new moon.

Q. The fish themselves, are they better?—A. Oh, the fish are poor at this time of the year; they are commencing to be fat. I presume there are now a few No. 2s, a great many No. 3s, but no No. 1s.

Q. You say there are 250 or 260 boats?—A. About 250, I think.

Q. What number of men do you have to one boat?—A. The average is three; some have four and some two. I guess they will average three men. There are a great many small boats.

Q. You are only speaking with reference to the same locality?—A. Yes.

Q. You do not know anything about Rustico?—A. I know a little, but my knowledge is too limited. I am limiting my statements to the fisheries around the shores I have mentioned.

Q. Take a boat with three men on that shore, what would be the average catch for the season, do you suppose, running over any period of years you like?—A. I think about 70 or 80 barrels. They lose a good deal of time on this account: that by going for hake in the night they are too late for the morning's catch when they return; and they lose a good deal of mackerel in this way.

Q. You say the men engaged in the hake fishery lose a good many mackerel?—A. Yes; when they are out in the night for hake they will not get a morning's catch of mackerel. They may go out in the evening and get a few mackerel. They cannot mix the mackerel with the hake, as the mackerel spoil in a very short time, and they have to come ashore with their fish. This makes them too late for the morning's catch.

Q. They catch hake and cod there in their dories?—A. Yes; I think more around those shores than in any other part.

Q. Has the number in the boat something to do with the quantity?—A. Oh, yes. A crew of four would get more than a crew of three.

Q. The average you have stated is for three men?—A. Yes; if there were four men the average would be higher. The boats are generally manned according to size; if big enough, there are four hands. A boat with four hands will get twice as many as a boat with two. The average is about three.

Q. That will give about 800 men?—A. Something like that.

Q. From 750 to 800?—A. Yes.

Q. Then the hake, except when decoyed, are all taken within two miles?—A. Yes.

Q. Two or three?—A. This very year they have been taken about a mile from the shore. The reason of that is because, as I take it, the mackerel are handy in.

Q. Supposing we were enabled to exclude the Americans from fishing within three miles of the coast, do you think they would or could prosecute the fishery with any success?—A. I don't think so, around those shores I am speaking of.

Q. Have you any doubt about it at all?—A. I have no doubt at all, because there is no mackerel unless they can decoy them, or induce them to go out.

Q. But supposing they were excluded?—A. No; I don't think. I know I could not do it. From my knowledge, I fancy it would be a waste of bait.

Q. Well, if we were able to exclude them, our market is the United States, is it not?—A. Yes, for mackerel.

Q. You remember when the duty was in existence?—A. Yes.

Q. Now, supposing we excluded them from our shores within the three-mile limit, would you have much objection to paying the duty there? What are your ideas?—A. I think not. I think we would be gainers. For instance, in a year like this, when there are no mackerel in the American waters, or a very limited quantity, and we are catching a great quantity in our own waters, I presume, if they were excluded, those catches would continue from day to day until the season was out. We could have a large quantity of our mackerel in the United States market. Their number would be limited and the markets would be good. The big price we would get would by far overbalance the \$2 tax or \$1 duty which they had on before. That is my opinion.

Q. Do you know anything about this new system of seine-fishing?—A. Yes; I have seen them fish.

Q. What is the effect of that system?—A. I think it is very bad; very injurious to the fishery. It is not the large quantity they catch that are fit for use, but the large quantity that is not fit for use, and which is destroyed and killed or thrown away. I have known some of these seines to catch as much as 600 or 700 barrels of these small mackerel, which are all destroyed and thrown away.

Q. What, five or six hundred barrels of these small mackerel not fit for use?—A. Yes; in one catch.

Q. These would be destroyed?—A. Yes; most of them died, I presume. The mackerel are very easily killed.

Q. That is destruction of the fish?—A. Yes; that is destroyed. Of course they won't grow any when they are dead.

Q. Now the American fishermen clean their fish on board?—A. Yes.

Q. What becomes of the offal?—A. It is thrown overboard.

Q. What effect has that?—A. It is very injurious to the mackerel to eat those gibs, or offal, or whatever you call it.

Q. What is the effect of cleaning on board?—A. It has the effect of soiling the waters. It thickens it, and until we have a storm to clear the water the fish will not resort there.

Q. It drives the fish away, in other words?—A. Yes. If they eat this fish or the water impregnated with it it would kill them, for I know that in cases of much stronger animals; for instance, hogs if they eat it, it will kill them dead in a short time. I cannot prove positively that it will kill mackerel, but it must have a very bad effect. I have known myself; for instance, I have been in a large boat and caught a large quantity—when I have cleaned the fish on board and thrown the offal over—next morning there would be no mackerel around; I could not catch any. You must understand that perhaps if one boat were to do that the effect would not be very bad, but when there are 150 sail or 150 boats, all averaging between boats and schooners a large quantity of mackerel, and all those gibs are thrown over at a distance of 2 or 3 miles, it makes a very large quantity. It must be injurious. Our fishermen all clean their fish on the shore.

Q. You do not destroy the fish?—A. No; the offal is generally used for compost.

Q. You spoke of Cascumpec Harbor and intimated that of late years it had been filling up a little. Has the government of Canada been expending any money on the improvement of those harbors?—A. None whatever.

Q. On Souris Harbor and other places?—A. Yes, there has been a breakwater built at Souris.

Q. Have they been making any harbors of refuge?—A. O, yes. I did not see Souris, but I believe it is a very good harbor which the Dominion Government have built. They have built a harbor at Tignish, but it is not of sufficient importance to allow American fishing vessels to come in. The Souris Harbor, I believe, is a good one. I have been informed that there is as much as 28 feet of water there.

Q. Do the American fishermen take advantage of it?—A. Yes; because when they fish in the bay, quite close in the bay it makes a great cove. When a vessel does not make this harbor of refuge it must go ashore somewhere. They cannot get out of the bight. If they are in fishing along these shores and a heavy northeaster strikes in, not only the Americans but any other vessels from North Cape to East Point cannot get clear. If they cannot make a harbor of refuge they must go ashore. That is my experience.

Q. Do you know anything about the American waters?—A. No, sir.

Q. Have you ever known an island vessel to go there fishing?—A. Not to my knowledge, I have never heard of it. There may have been, but I do not know of it.

By Mr. Dana:

Q. You say that your boats when they get out a short distance from the shore and get hold of the mackerel, that is, when the mackerel are raised or found there, the American vessels come in to windward of them and heave to and drift down and drift out sometimes far enough to carry the mackerel with them. But this business of the Americans in drifting must be when the wind is off shore?—A. Yes.

Q. Are your boats confined to mackerel fishing with the wind off shore?—A. No, not altogether.

Q. Can you not fish in a calm or with the wind blowing up or down the shore?—A. Yes.

Q. Or on the shore if it is not too strong?—A. Yes, if it is not blowing too hard.

Q. So it is only with one direction of the wind that you can be troubled with this drifting of the American schooners?—A. Well, mostly. The tide has a good deal to do with it. The tide runs from the shore out whatever way the wind blows.

Q. The tide runs from the shore out! Does it not set up and down the shore?—A. Well, not very much, not so much as it does in rivers.

Q. Well, I do not know about this. Are you sure of that, that if you have a shore slightly concave as this is—what is the extent of the tide?—A. Three feet.

Q. That is very slight?—A. Yes.

Q. The ocean rises and falls about three feet. But do not the tide and eddies set altogether irrespective of that and depend upon the headlands?—A. Well, it has that effect to a certain extent. When the tide falls it runs off from the shore to a certain extent, and when it rises it comes direct into the shore. That is my experience of what I saw. I mean around those shores I have spoken of, not all around.

Q. Suppose there is a light wind off shore, and the tide is setting in, then he cannot float down, as you say?—A. No.

Q. Then taking the chances of the winds and tides, the opportunities for doing as you have described are few and far between?—A. He has about half the day.

Q. Do you have any off-shore wind that depends upon the time of the

day?—A. I will explain: In the afternoon we generally have the wind around to the eastward. Of course it is then blowing off the land on one side, and on the land on the other.

Q. Then the vessels on the one side have no chance of doing as you say, because the wind is blowing on the shore? On the other side they have?—A. These vessels sail very quickly. It does not take them very long to run round. If they are fishing on one side in the afternoon they generally come round and fish off the other in the evening.

Q. Your boats can do the same?—A. No. Our boats cannot do the same, because our people are not prepared to carry the fish in their boats. Each boat must land its catch at the stage that it belongs to.

Q. They take sills and have keels?—A. Some have, and some have oars. A few hours will spoil a catch of mackerel.

Q. It is not so bad as that?—A. Three hours will spoil a catch of mackerel. They must be gibbed and soaked in three or four hours.

Q. If your vessels do not want to have the American fleet coming down upon them, why do not they govern their own fishing somewhat by the known state of the winds? Why do not they, if they know the times and hours, suit themselves to that, and go out where there is a wind blowing on the shore?—A. The great number of our boats, they are small, and for the most part they take no barrels with them. They must fish handy to the stage they belong to. They make two trips a day. They are on the ground by daybreak. They come ashore and land their fish, which are taken away and cleaned immediately. They leave again about one o'clock and must return in the evening.

Q. They go as you go to church, to morning service and to afternoon service?—A. I don't know anything about that.

Q. If this was worth while, you could adapt yourselves and your boats to that state of things, so that your boats could go out when there was a wind blowing inshore; that is, if your breezes are certain. Are they so?—A. We haven't got command of the wind.

Q. There are some places where they always have a particular breeze at a particular hour.—A. It is not so with us.

Q. Now, don't you think that, considering the amount of time when there is a wind blowing up or down the coast, or when there is a calm, or when it is blowing on shore, or when there is only a light wind off shore, and the tide is setting in, all of which present cases when the American schooners cannot float down upon you, don't you think you have said a little too much about that?—A. I don't think I have, because I will show you how. A school of mackerel strikes along about the 24th of June, and remains about six weeks, or perhaps two months, about the same place. It does not go out very much further, or come in any closer. We catch them in three to six fathoms, as the tide rises or falls, which has a good deal to do with mackerel. Well, when the American fleet get plenty of mackerel in their own waters, of course they will not trouble us, but otherwise they will come round our grounds and stop there a whole summer, and they will watch those mackerel just as well as the boats themselves. If they are not there to-day, they will be there to-morrow. It may so happen, if a breeze strikes up to drive them away for some miles, that we may catch the mackerel without their presence. But if they haven't much mackerel to catch elsewhere, they will be on the ground.

Q. You have spoken of this as if it was something fixed and constant. Did it not occur to you to mention that this was only an occasional thing, when there was an off-shore breeze and no tide to offset it?—A.

I was not asked that question, but I answer you now, as you have asked it.

Q. Now, another grievance is that somehow or other, probably from having better bait, which is probably menhaden, is it not?—A. Well, they may have better bait. I do not know.

Q. Well, that somehow their bait is more attractive to the mackerel? —A. What I mean is this, that when you have these small craft and the bait is heaved out alongside the craft, the tide, running one way or another, takes away that bait clear of the craft. The American vessel is lying to, and it creates an eddy, which keeps the bait around it for a certain distance.

Q. Does the American control the tide?—A. No; but the vessels are ranged along and they are drifting out, which makes an eddy that keeps the bait running out with them. Ours are stationary, and according as the bait is heaved out it does not remain alongside the craft

Q. The tide takes it out, but the American goes with the tide and consequently with the bait. Suppose the tide is setting in?—A. The bait goes with the tide and the vessel with it.

Q. Then she must go ashore?—A. Well, I have seen them go ashore, they were that greedy.

Q. By the force of the tide? Did you ever know an American who allowed himself to be carried ashore by the tide?—A. Yes; after a school of mackerel.

Q. Then your boats get the best of it, don't they?—A. Well, I do not know, I have not seen a great many. They forgot that they drew 12 feet of water and allowed themselves to go into shallow water.

Q. What, 12 feet?—A. According to the size of the vessel.

Q. Now, when there is no gale of wind, no ordinary breeze, if the tide is strong enough to carry a large vessel ashore, is it not enough to dispose of the bait?—A. The vessel forms an eddy which keeps the bait alongside to a certain extent.

Q. Here is an American vessel that comes in, the tide is setting in, but there is an off-shore breeze strong enough to overcome the tide. She will drift slowly out, the more slowly because she is going against the tide. Now a lot of bait is thrown overboard. Will not that be taken away from her?—A. No.

Q. Well, if the wind blows hard enough to drift her against the tide?—A. Perhaps you may be a navigator?

Q. I understand that if she lays to she has some sail set, enough to catch the wind?—A. Yes. She may go half with the wind and half with the tide.

Q. That would leave her just where she was?—A. Perhaps you do not want to hear what I have to say. I shall not say any more.

Q. You say she is going half with the wind and half with the tide?—A. I say if the wind is blowing something stronger than the tide she may make her way not altogether with the tide but with the wind.

Q. She would in that case be forging ahead a little?—A. Yes.

Q. That would take her out of the way of the bait?—A. No, the bait keeps in the wake. There is a certain quiver it makes in the water. The water that escapes at both ends of the vessel meets somewhere, and there is an eddy. Until the bait sinks deep enough to be clear of the eddy it runs with the eddy, and the mackerel keep into that. Now, our boats are at anchor, and the moment the bait is thrown out it runs away.

Q. She must be heaving out bait all the time, because it is going away all the time?—A. Yes.

Q. If it is an ebbing tide it is going out?—A. Yes.

Q. Are the boats fishing all pretty much on the same ground?—A. The boats all anchor upon a range and fish there; if the tide runs this way [pointing to map] the bait runs away from them.

Q. Then your idea of the American schooner is that she need not be throwing over bait, because this eddy that is conveniently formed will carry the bait along with her?—A. No. I do not want my views to be misrepresented.

Q. Stop a bit; say that in another form. What do you mean?—A. I do not mean to be misrepresented, as if I said that the Americans did not heave any bait.

Q. If the American throws over bait, and an eddy forms so that the bait follows the vessel—you understand?—A. To a certain extent.

Q. To a very considerable extent; this gives her a great advantage in the amount she has to throw away?—A. Yes; the bait of the schooner will keep in the eddy until it sinks low enough to keep clear of the eddy.

Q. A large part of it, of course, is lost, and they have to throw more overboard?—A. Yes.

Q. That is one of the grievances, is it?—A. Yes; well, I should not say that is a grievance, because we have to use bait whether or no, but the grievance is that with their bait they decoy the mackerel outside.

Q. The great grievance is that the mackerel go outside, beyond the reach of the boats?—A. Yes.

Q. Then the same thing occurs again, if the mackerel are carried outside the limit the hake follow them?—A. Yes; at a certain time the hake will feed on those mackerel until the fall herring set in.

Q. Then what follows the hake?—A. What kind of fish, you mean?

Q. What comes next in the order of time?—A. It is the last fish we catch—the hake and mackerel. The herring is first, then the cod, then the mackerel and the hake.

Q. Are the hake sent to market?—A. Yes.

Q. To the United States?—A. Not to the United States; to the West Indies or England, I think. I am not a merchant. I presume they do not ship any hake to the United States. I think the sounds are sold in the United States.

Q. I wish to understand your views of political economy. You said that if the mackerel failed in Massachusetts Bay, on the American coast, and you had sole control of it here, and could have boats and men and vessels enough to catch enough, you could then afford to send to the American market and pay \$2 duty?—A. Yes.

Q. So that you do not care whether there is a duty or not?—A. No; because my views are that the consumer pays the duty. That is my opinion.

Q. If you could furnish mackerel enough, and did not have the duty to pay, you would make just \$2 more on the barrel?—A. Well, that is not altogether my view, although I am not supposed to be on oath in that.

Q. But it is not true that if you sold the same quantity of mackerel, and had no duty to pay, you would make \$2 a barrel more than if you had to pay the duty?—A. That may be the views of some honorable gentlemen; but I presume the consumer has to pay this duty, and that I will get as much if I have to pay this as if not. I know last year we got a big price for our potatoes, although you had a protective duty of 15 cents a bushel upon those potatoes. Still we got a large price for them

in Prince Edward Island, because we monopolized the market to a certain extent.

Q. You mean to say that although you pay \$2, that is added to the price, and anybody who purchases has to pay it?—A. Yes.

Q. Do you think that the people in that case buy as much as if the price were lower by the amount of duty?—A. I think if the Americans have the right to take away the fish and glut the American market with them, it will reduce the price, and we cannot get a sale for ours at all.

Q. Would there be any competition among the British fishermen that would tend to bring the price down?—A. Well, there might be.

Q. It is possible that people would not buy as much if they had to pay \$2 duty in addition to your high price? Your views upon this point are pure theory?—A. Yes.

Q. You spoke just now of a railroad being built. I did not know that you had one. Where does it run?—A. I am sorry we have not a description of it on the map. It runs from Tignish, calling at Cascumpec, from that to Summerside, then to Charlottetown, from that to Georgetown and Souris.

Q. When was it built?—A. It was opened in 1874, I think.

Q. Do you think that the carrying of fish had anything to do with the success of that road?—A. I am not aware. I could not say. It is not likely that was the only inducement. I am aware that a great many barrels of mackerel are shipped and carried away and sent by rail to Summerside generally, sometimes to Charlottetown; from Summerside to Shedia, and thence to Boston or Portland, or wherever they are to go.

Q. You think it is a very great benefit to the Americans to get supplies here?—A. Yes.

Q. I understand your argument. And do you think it is not a benefit to your people to have that market?—A. No; I won't say that. It must be some benefit. The merchants that supply these vessels will have a profit, whatever they can make.

Q. Then you do not hold that these supplies are sold purely on the principles of humanity? Your people sell provisions on principles of trade, do they not?—A. Yes; but you are well aware that the profit on a schooner or on 10, 50, or 100 vessels may not be very large.

Q. It is worth having?—A. It is some advantage, I am satisfied, but it is not an equivalent.

JOSEPH CAMPBELL recalled.

Examined by Mr. Dana:

Question. I understood you to say that you had never heard anything about reports—official reports, or petitions, or proposals for bounties or gifts—to relieve the distressed condition of the fishermen.—Answer. Not any to my knowledge.

Q. Well, you have been in Nova Scotia, have you not?—A. I have been away in the States a good deal.

Q. But you have been in Nova Scotia within six, eight, or ten years?—A. I have been, off and on.

Q. And in Cape Breton?—A. Yes.

Q. Well, now, I have here a document signed by H. W. Johnston, who, I believe, was the assistant, or deputy, in Halifax, of the minister of marine and fisheries for the Dominion, to the Hon. Peter Mitchell, who was the head of the department. It is dated in 1868. Now, I want to

see if this will recall something to your memory. You recollect the date, 1868. Among other things he says :

For many years the inshore fishery has been pursued with varying success. During some years the catch of herring, mackerel, cod, &c., has been such as to place the fishermen in comparatively easy circumstances after a few months' work, while in others a scanty supply has reduced them almost to poverty.

Not many years since the shore fishery was abundant and lucrative, seldom decreasing so greatly as to cause much actual want, but with late years this branch of industry has fallen off to an alarming extent, and a failing fishery around the shores seems to excite no surprise. The cause of this failure (which during the last season has been almost total) can only be theoretically stated, but the observation of experienced persons indicates several reasons of considerable importance in producing this unfortunate result.

Then the results it is not worth while to go into. Among other things, it is said that "the mackerel make their appearance much later in the season, and are then hurrying southward to their winter haunts, remaining but a short time along the shores, and, if the weather should be stormy, the nets are frequently lost, and the great proportion of the fish pass by uncaught. So that the fish are brought upon the shores in November, a month noted for violent gales and stormy weather, when their capture becomes much more hazardous and difficult." The report goes on to say, "the prevalence of high winds from the northward has without a doubt a tendency to drive the fish far out into the deep water, beyond the limits of the net fishermen," and then goes on to say :

The failure of the inshore fisheries last autumn appears to have been nearly a total one, while the deep-sea fishery did not yield nearly so large a return as usual. As I before mentioned, in the western parts of the province, including Queens, Shelburne, Yarmouth, and Digby Counties, the inhabitants of the shore do not rely entirely upon this shore net fishing for a livelihood ; they are generally in possession of small vessels in which they pursue the bank fishing ; but even here I learn there is very considerable suffering, which is not restricted to the fishing population, but extends to small farmers and laboring men, and is the result of a failing crop last year and the want of sufficient employment.

Along the shores of Halifax and Lunenburg Counties few, if any, mackerel were taken last fall.

The following extract from a letter addressed to me by a gentleman residing at Cape Canso, who is largely engaged in fishing operations, will give some idea of the extent of the failure in Guysborough County :

"The deficiency of catch of fall mackerel in Chedabucto Bay, during the fall of 1867, cannot be less than 15,000 barrels, which, at a low average price of ten dollars per barrel, amounts to \$150,000 ; of herring the short catch will be not less in quantity, and if I were to say one half more it would be perhaps nearer the mark ; but taking the first figure as a deficiency of catch from Cape Canso, including Chedabucto Bay west to Beaver Light, a distance of sixty miles (west of that I have no reliable information), and placing them at the low price of three dollars per barrel, we have from these two kinds of fish alone the sum of \$195,000 that our eastern fishermen (leaving entirely out the east and west coasts of Cape Breton) are short producing for 1867. Now add to this the almost entire failure of some other kinds of fish not so generally known abroad but of much value at home, dog-fish in particular, of which in 1867 there was a total failure, no one boat producing \$4 worth against \$40 as an average for many years past, which, with a large failing off in cod, haddock, spring and summer mackerel, and other of less note, we have at the smallest possible computation a further deficiency of \$50,000, making in all an aggregate of \$245,000 to be borne by this class of men and the parties who supply them in the shape of debts unpaid on the one side and privation and denial of the common necessities of life, such as bread, molasses, tea, coffee, meat, and the common kinds of clothing, on the other side."

The class of men who are maintained by the shore fisheries are as a general rule very poor, and many of them largely indebted to the merchants who supply them. The land on which they live is in the majority of instances rocky and sterile and incapable of cultivation beyond the raising of a few vegetables and a supply of hay for their scanty stock ; then, as I have before remarked, the principal means of their support is the result of a few months' labor, and during the winter months they are mostly unemployed, and thus a great portion of the year is rendered entirely unproductive ; this would not be the cause of such evil results if the produce of these few months of labor was as certain and as great as it formerly was, but with the present frequent short catches and the want of other remunerative employment, distress and want to a greater or less extent seem almost inevitable. The conclusion from these facts seems forced upon us that the inshore net fishery *per se* is quite insufficient to

provide for the necessities of those engaged in it, and the question then arises, "Is this to be entirely abandoned as an industrial pursuit, and if not, under what circumstances can it be profitably pursued."

**Mr. DAVIES.** Do you wish the witness to understand that you are reading from a report on the fisheries of the Gulf of Saint Lawrence?

**Mr. DANA.** I asked him if he was acquainted with Nova Scotia and Cape Breton. I laid the ground for my questions.

**Mr. DAVIES.** Does it purport to be a report as to the fisheries of Nova Scotia and Cape Breton? I am given to understand that it is a report as to a special locality.

**Mr. DANA.** It is entitled "Special Report on the Distress among the Nova Scotia Fishermen."

**Mr. DAVIES.** It refers to St. Margaret's Bay, does it not?

**Mr. DANA.** No; not all.

Q. Now, one plan for the relief of this distress is that the government should furnish vessels to the fishermen on such terms that they could fish at less cost to themselves, the difference to be borne by the general public. Another plan suggested is the introduction of the system of bounties. Did not you ever hear that spoken of?—A. I have heard bounties encouraged; that is all.

Q. Did not you understand that the reason they were talked of was because there had been so great a failure and so much poverty among the fishing classes?—A. I did not understand it. I did not see it in my time at all.

Q. Another reason given is, that "the pogies, the only real mackerel bait, is not caught east of Portland, and must all be imported for our fleet, the increased cost of which, added to the American duty, the fisherman has to pay on his share of fish, besides charges of transportation, place him in the position that if he catches during the season, to his own share, 40 barrels of mackerel in one vessel, he has not made as good a season by about \$100 gold as if he had been in an American bottom." Now, then, these two methods of relief are suggested, and this report sets forth very strongly, indeed, the deplorable condition of the men engaged in the fisheries in 1868, and for one or two years before, in Nova Scotia and Cape Breton. You have been in those countries and belong to the same Dominion?—A. Yes; but we did not fish but very little there.

Q. Haven't you heard of this? Has it not come to your ears?—A. No; the report was not made any way strong to come to our ears.

Q. Is not that strong enough? Then there is a committee of relief, the report of which is as follows:

The committee appointed by the house of assembly of Nova Scotia, on the subject of the distressed fishermen of the province, beg leave to report as follows:

1. That they have had a conference with the committee of Halifax citizens appointed for a like purpose, and it has been mutually agreed that out of the present available funds of \$17,000, or thereabouts, they shall receive as the fair proportion for the county of Halifax the sum of \$4,000; and that of future contributions one-fifth shall be paid over to said committee.

2. The committee recommend that the sum of \$5,000 should be appropriated out of the general funds of the province for general distribution.

3. The committee, after careful examination and inquiry, are satisfied that there exists at the present time among the fishing population of the counties of Digby, Yarmouth, Shelburne, Queens, Lunenburg, Halifax, Guysborough, Antigonish, Elgin, Inverness, Victoria, and Cape Breton great and wide-spread distress and destitution.

4. Your committee are also satisfied that this distress will rather increase than diminish from the present date until the first of June next, and that unless extensive and permanent arrangements be made, many will perish from starvation.

5. The committee are therefore of opinion that there is urgent necessity, not only for relief from the provincial authorities, but for a loud call upon the charity and generosity of the citizens of this and the neighboring provinces.

6. The committee recommend that a suitable board be appointed by the government in each of the above counties, to take charge of and distribute the relief so provided.

7. Your committee have thus partially reported, and beg leave to recommend that five hundred copies of this report be published for general distribution, and that the substance of this report be forwarded by telegraph for publication in this and the neighboring provinces. All of which is respectfully submitted.

JOHN K. RYERSON  
H. BLANCHARD,  
M. B. DESBRISAY,  
J. A. KIRK,  
URBAIN DOUCETT,  
SAMUEL FREEMAN,  
JOSIAH HOOPER,  
ALONZO WHITE,  
JOHN ROSS.

That committee was not a voluntary one, but was appointed by the house of assembly of Nova Scotia, on the subject of the distress of the fishermen of Nova Scotia. A loud call was made, not only upon the people of this province, but upon those of the neighboring provinces, for relief for your brother fishermen. Then the subject was referred to in the speech of his honor the lieutenant-governor in the following terms: "While rejoicing that the husbandman in the past season has had no reason to complain of a deficient harvest, I regret that an almost total failure in the fishery has produced much and general distress among those engaged in this branch of industry, and I have found it necessary to make considerable advances from the public treasury for their relief, an account of which will be submitted for the sanction and approval of your legislature." A similar reference was made in the address in reply to the speech of Governor Doyle. Subsequently to that his honor announced that "the legislatures of Ontario and Quebec have contributed the munificent sum of \$5,000 and \$4,000 respectively towards the relief of the distressed fishermen of this province." So that they had contributions in all the provinces, and yet you say you never heard of it!—A. No; I did not hear of it, and did not feel the effect of it.

Mr. DANA. You were sailing under the American flag and paying no duties. You got out of the way of it.

Q. Do you read the newspapers?—A. I do, sir; sometimes.

Q. Did you ever see the Quebec papers? Here is a Quebec paper called the Morning Chronicle. Did you ever hear of it? I have a copy of that paper here dated 15th October, 1875, in which reference is made to the distress in Labrador. Did you hear of that?—A. I heard of the failure of the fisheries, not of distress.

Q. But you supposed that if the fisheries failed there would be distress? The following is what appears in the paper I have referred to:

"We regret to hear from a most reliable source that, owing to the failure of the gulf fisheries this season, there is the gravest reason to apprehend the prevalence of great distress, if not of positive starvation, during the coming winter among the scattered fishing population along the dreary rock-bound coast of Labrador."

The article goes on to give the particulars, which I need not read at length. I think you must have heard of that state of things. There were debates in the legislature on this subject. There is the governor's speech, in which he says that, "while rejoicing that the husbandman has had no reason to complain of a deficient harvest, he has to report an almost total failure of the fisheries, that has produced much and general distress among those engaged in this branch of industry," and in which he states that he has found it necessary to make considerable

advances from the public treasury for their relief. Then there was the reply of the house of assembly: "We highly approve of the efforts made by your excellency to relieve the distress of the fishermen, and in common with your excellency we regret that the failure in that branch of industry has occasioned much and general distress among a useful class of the people." Then there was a speech by Mr. Blanchard, a vote of \$5,000 by the house for the relief of the fishermen. Then Mr. Cochran spoke, and Mr. White, and several other gentlemen, and then the house passed a resolution in aid of the fishing population of Nova Scotia and Cape Breton. And then you had distress in Labrador. You knew that the fishery had failed, and you might assume from that that there would be some distress, might you not?

A. Certainly it failed; but regarding the distress you have been speaking of, we have not felt that.

Q. And this did not come to your notice?—A. No.

Mr. DAVIES. Your reference is to one year—1868?

Mr. DANA. That was the time action was taken; but the report of Mr. Johnston shows that it had been going on for some years. He says, "Not many years since," &c., and "of late years," &c., showing that it had been going on for a number of years.

No. 7.

MONDAY, August 6.

The conference met.

Hon. GEORGE WILLIAM HOWLAN, Cascumpecque, Prince Edward Island, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a senator of the Dominion of Canada?—Answer Yes.

Q. Formerly, I believe, you were a member of the executive council of Prince Edward Island?—A. Yes.

Q. For how many years?—A. Nearly 12 years, I believe.

Q. You have had a large acquaintance with the fisheries of the island?—A. Yes, somewhat.

Q. For how many years?—A. I think from about 1852 down to the present time.

Q. You have been engaged in the business?—A. Yes.

Q. You have carried on a large business at Cascumpecque?—A. Some at Cascumpecque, some at Tignish, and around the shores of North Cape.

Q. You are at present engaged in that business?—A. Yes.

Q. What distance from the land are mackerel caught at the island?—A. You have reference to our shore fisheries?

Q. Yes.—A. From about one mile to two miles.

Q. With regard to all the fishing—the schooner fishing and boat fishing—within what distance from the land are mackerel caught round Prince Edward Island?—A. By schooners round Prince Edward Island?

Q. By the foreign fleet—by the American fleet?—A. The American fleet fish outside the line, and inside the line, when they have the privilege to do so.

Q. In the whole fisheries, what proportion of the fish are caught within 3 miles of the land?—A. By the people of Prince Edward Island?

Q. I mean altogether?—A. By all peoples—by all fishermen? We catch our fish—our shore fisheries are altogether within 3 miles.

Q. The island fishermen catch their fish altogether within 3 miles of the shore?—A. That is our staple fish—mackerel, cod, hake, and haddock.

Q. You are speaking of the boat fishing?—A. Yes.

Q. Of what size are the boats?—A. They are all the way from 15 to 30 feet keel.

Q. What distance can they go from the land?—A. Well, most of our fishing is done within three miles of shore.

Q. Are your boats adapted for going out a greater distance than 3 miles?—A. Some are and some are not.

Q. What proportion of them are so adapted?—A. Of all the boats of Prince Edward Island, I should think about 25 per cent.

Q. About 25 per cent. are adapted to outside fishing?—A. Yes.

Q. Do those boats engage in the outside fishing?—A. No.

Q. Why not?—A. The only way in which they engage in outside fishing is when they are driven by stress of weather from one side of the island to another.

Q. They don't fish outside three miles, although adapted to it?—A. They could go outside.

Q. They could carry it on if it was profitable?—A. They are not fitted for it. Their lines are not long enough for it to begin with. There is no fishing outside of the limits except they go to Banks, Miseou, and Bradley.

Q. Are you acquainted with the American fishermen who have been in the habit of coming to the island?—A. I am somewhat acquainted with them.

Q. From all the information you possess and from your own knowledge, where are the greater proportion of fish caught by the American fleet—what distance from the land?—A. Do you mean around Prince Edward Island?

Q. Yes.—A. The greater portion of fish at this season are caught at what is termed the bend of the island, off Rustico; also, from North Cape to East Point, and from North Cape to West Point.

Q. That is, by the American fleet?—A. These are the usual fishing-grounds, and also from St. Peter's Island to East Point.

Q. These are the fishing-grounds used by American fishermen?—A. They use them when they have the liberty to use them. These are the best fishing-grounds.

Q. Within what distance of the shore are the greater proportion of fish caught by the American fleet?—A. Do you speak with regard to the island?

Q. I am speaking of the very places you have last mentioned.—A. The majority of the catch is caught within the three-mile limit.

Q. Do you know when the American vessels leave home, the direction in which they come, and where they fish?—A. On the Prince Edward Island coast?

Q. Are you aware of the time they leave their own ports, and the route they take?—A. When they set away for the bay fishing the first place they strike is Bank Bradley, off North Cape. They come there direct. They perhaps stop at Canso to refit.

Q. About what time do they arrive at Bank Bradley?—A. From the middle to the end of June.

Q. How long do they fish there?—A. They get the early fish there.

Q. How many days do they fish there?—A. That will depend upon the state of the season. Perhaps during one week or ten days the fish are there.

Q. That bank is how many miles from the shore?—A. Perhaps 15 or 20 miles.

Q. Until what period do the vessels remain in the bay?—A. Until about the first week in October.

Q. Where do they fish during that period?—A. The general fishing-ground is around North Cape.

Q. During the whole summer?—A. The summer fishing is from there around.

Q. Do they fish there from the time they arrive on the shores of the island to the time they leave?—A. Yes; from Georgetown to Souris, and from there to North Cape.

Q. Are you aware of the places where they fish after that?—A. When they leave the island they go to Port Hood, Cape Breton.

Q. During all that period the vessels are fishing near shore?—A. Unless we have a very heavy gale of wind off shore, and then they go off.

Q. For how long a period?—A. Perhaps during the duration of the gale—three days.

Q. Then they return to the shore again?—A. Yes; they may not, however, return to exactly the same places.

Q. Have you visited the fishing ports of the United States—Gloucester and other ports?—A. Once or twice I have been to Gloucester.

Q. Are you acquainted with the persons there whose capital is engaged in the fishing business?—A. With some of them.

Q. Do you do business for them?—A. Sometimes I do business for them.

Q. Have you had any communication or conversation with them on the subject of fishing?—A. Yes; several times.

Q. And with the masters of those vessels?—A. Yes.

Q. Will you state upon what terms they fish? Describe the mode of fitting out and the terms on which the fishermen go in the vessels.—A. The terms are different at different places. At Gloucester the system is called the Cape Ann lay. At Cape Cod it is the South Shore lay. The usual custom that prevails is what is called half-line. The owner finds the vessel and fits her out, and the crew generally get one-half of the fish, and pay the captain from  $2\frac{1}{2}$  to 5 per cent. on the gross catch. When the system of licenses prevailed, the crew usually paid the license, and in some instances, under a good master, they paid berth money. The cook is generally paid by the crew, as they like to live well. The general pay of a good cook is almost as much as a master has.

Q. Can you see the vessels fishing from the place where you reside?—A. Yes.

Q. How far from the shore do they fish?—A. It depends whether they fish inshore or not. This time of the season they are generally fishing inshore.

Q. What do you mean by inshore?—A. Say within two miles of the shore.

Q. Are the vessels lying within two miles of the shore?—A. Yes, at this season of the year.

Q. From your knowledge of the business, would it be reasonably practicable for the American fleet to carry on fishing, if they were excluded from fishing within three miles from the shore?—A. I would not care to engage in it myself.

Q. Would you do so?—A. I would not.

Q. Not if you were rigidly excluded from fishing within three miles

of the shore!—A. The information I have on that point is this: The irritation caused by the continuous watchfulness and care of the cutters—

Q. Before you go into that I want to ask you whether you would do so, assuming you were rigidly excluded beyond a line three miles from land!—A. I would not.

Q. You say you would not engage in the business; would it be a profitable business!—A. I think not—not from my experience. My explanation is this: It is generally difficult to procure a good crew of men to fish in any waters where they are peculiarly embarrassed and irritated from time to time from the watchfulness and care generally exercised in these cases. Men dislike to do it unless they have the right to fish inshore—the right to fish wherever they find fish.

Q. You are speaking of a case where by law they are excluded and where they violate the law!—A. Yes.

Q. I am speaking of a case where they are by the law excluded and where they obey the law. Suppose they were to be excluded, and suppose they were to be so excluded that they did not attempt to come over that line, what would be the effect?—A. The chances would be very much against any vessel making a fare.

Q. From your communication with masters and owners and persons engaged in the business, do you think they would engage in it? Have you had conversation with them on the point?—A. I have conversed with several masters and owners.

Q. Would they fit out vessels?—A. They would hesitate to do so. I don't think any man would commence the business and put his capital into it if he knew he would be excluded from the inshore fisheries. That is generally the information I have received from them.

Q. Why would you not engage in the business if excluded from fishing within three miles?—A. My experience in the majority of cases is that unless they had the right to the inshore fishing the business would be a failure.

Q. Can you mention any season when the majority of the fish were caught outside?—A. By American fishermen?

Q. Yes.—A. I certainly could not tell you. I have never been on board the American fishing vessels. The general feeling among Americans is that they very much wish to have the use of the inshore fishery as on that depends pretty much the success of their voyages. That is the impression I have always received from both owners and masters.

Q. During how long a period?—A. Ever since I have been connected with the business. That is the universal feeling.

Q. Have you ever heard any other opinion expressed during that period?—A. By the fishermen themselves?

Q. Yes, by them.—A. No; it is the almost universal opinion.

Q. You have never heard any other opinion expressed? A. I have heard other opinions. But I am speaking of the experience of masters and owners of vessels? I don't think I have ever heard any other opinion from them.

Q. During the periods when they were restricted by law, I want to know whether they fished within the three-mile limit during the time when the cutters were on the coast watching them?—A. Do you speak of vessels which had no licenses?

Q. Unlicensed vessels?—A. I think, as a general rule, they kept pretty well clear of the three miles, but at times they got inside.

Q. You have spoken about irritation; I want you now to explain that. I think you said they did not wish to be subjected to cutters coming after

them!—A. You can readily understand that a fishing vessel is different from almost any other vessel, as each of the crew is as much interested in the voyage as the master, they working on joint account. It is not very easy to know whether they have been fishing inside the three-mile limit or not. A vessel fishing along the shore from North Cape to Kildare, keeping inshore within the three-mile limit, might drift out at night and find itself off Rustico at daylight, or it might run down so as to make the land at daybreak.

Q. I ask you whether you did not mean that the owners of vessels did not wish to be subjected to irritation and annoyance?—A. From the experience and conversation I have had with owners of vessels, the conclusion in their minds seemed to be that it was almost a necessity of the voyage that they should have the right to the inshore fisheries for they ran the risk of losing not only their vessel but their outfit.

Q. Did they run the risk of being captured?—A. In some instances they were captured.

Q. Those persons of whom you have spoken, were they in the habit of running the risk of being captured by entering the three-mile limit when the cutters were not in sight?—A. When the cutters were not in sight they were in the habit of going within the three-mile limit.

Q. You are speaking of your communications with the captains?—A. Yes, that is my experience.

Q. That is knowledge gathered from them?—A. Yes, and by actual observation as well.

Q. Was there any possibility of guarding the coast with the number of cutters used?—A. I think not; it was almost impossible to guard the coast.

Q. You might describe how that was?—A. The steamers (the cutters) generally were in Cascumpecque Harbor, and the vessels watch them come and go in. The steamers cannot enter Rustico Harbor and New London; one steamer was lost there.

Q. It was difficult for the steamers to enter other harbors?—A. Yes, on account of the shoal water.

Q. Where would the steamers be?—A. They would be outside.

Q. How far out?—A. In four, five or ten fathoms.

Q. In that case they would always be seen?—A. Yes.

Q. That would prove a great difficulty in protecting the fisheries?—A. There would be in that way, because while the cutters were here the American vessels might be fishing within the limits, from West Cape to North Cape.

Q. How many miles of coast would that be—and the whole coast line?—A. About 160 miles from East Point to North Point, about 45 miles from North Point to West Point; the total length from 300 to 400 miles. From Charlottetown to Summerside the coast is not frequented by mackerel on account of the formation of the bottom of the Gulf.

Q. About the state of the Island fisheries, you have a large number of fishing boats on the Island?—A. Yes, there is a good number.

Q. Do you consider that the boat-fishing is a valuable fishing?—A. We look on it as such.

Q. About how many boats have you there?—A. Between 1,300 and 1,500.

Q. Of late years the boat-fishing has increased?—A. A good deal since 1870.

Q. How much has it increased since that date?—A. The number was doubled I think between 1860 and 1870, and it has increased since 1870 by about 300 boats.

Q. Is there any schooner-fishing carried on from the island?—A. Not as much as formerly.

Q. What do you consider the reason of the decline?—A. The reason why we have gone from schooner into boat fishing is this: After the repeal of the Reciprocity Treaty, the vessels which carried on our business carried on not only the fishing business, but that of carrying agricultural produce. In spring they would be employed in carrying oats and potatoes to the nearest ports of the United States, and they would go out fishing in the fall. When the Reciprocity Treaty was repealed only 25 per cent. of our population were engaged in fishing and 75 per cent. in agriculture. We necessarily had to find new markets for our produce. We sold our schooners and built brigs and barques, and sent our oats in that way to England and to France. Having the inshore fisheries preserved to us, we put our money either into small fishing boats or into larger vessels, brigs and barques, and in that way our mackerel fleet has decreased. We have not more than 35 or 40 vessels now.

Q. There is ample opportunity to carry on the boat-fishing there?—A. The opportunity is unlimited.

Q. You consider boat-fishing more profitable than schooner-fishing?—A. We do.

Q. Can you carry it on with less capital?—A. Yes; a well-fitted fishing vessel of 60 or 70 tons would cost \$5,000. That sum would purchase perhaps 25 boats. So that while the vessel would have the catch of 12 or 14 men, you would have from the same capital invested in boats the catch of 75 men.

Q. The question arises whether you have the capital to carry on the business, suppose you had the fishing all to yourselves?—A. We could very well attract capital; but while the fisheries question is in a state of irritation no men care to put much capital into it.

Q. You would have no difficulty in getting capital if you had the fisheries exclusively to yourselves?—A. I don't think there would be any difficulty.

Q. To what extent do you think it would be increased?—A. It would be increased, at all events, to within the possible number of men we could devote to it. At the present time most of the fishermen are farmers as well. The fisheries are only in their infancy around Prince Edward Island.

Q. How many men are engaged in the fishing business of the island?—A. About 25 per cent.

Q. About what would be the number?—A. Calling the population 100,000, and taking the number at 20 per cent., there will be about 5,000 men engaged in the fishing business directly and indirectly.

Q. You say they are partially engaged in farming?—A. Yes.

Q. Has the fishing interest been promoted to any extent by the exclusion of the American fishermen during those periods they were excluded or partially excluded?—A. Do you refer to the promotion of our inshore fisheries?

Q. Yes; during the time the American fishermen were excluded or partially excluded, after the abrogation of the Reciprocity Treaty, did your people obtain any benefit from the protection of the inshore fisheries?—A. I think experience will show they have. That is our impression. That is the general impression of those on the island engaged in the fisheries.

Q. That was the effect of the abrogation of the treaty?—A. Yes.

Q. Supposing American fishermen were excluded entirely, what in your opinion would be the effect?—A. To the shore fisheries?

Q. To the Canadian fisheries.—A. My opinion is, that while I should be very glad to see the American fishermen coming to us, still, speaking from an abstract point as to whether the fisheries would be more valuable to us if left to the island people, I say yes.

Q. It would be in the interest of Canadian fishermen?—A. Yes.

Q. Explain how it would be so.—A. One reason would be this: that having the inshore fisheries protected and altogether for the use of the Dominion fishermen, a larger amount of capital would be invested and a larger quantity of fish would be taken.

Q. I want you to consider this in view of any duty that might be imposed by the United States.—A. So far as the duties are concerned, they regulate themselves, like the laws of all other commerce.

Q. Considering that the United States would have the right to impose any duty, do you, in view of that, hold the opinion that it would be to the advantage of the Canadian fishermen to exclude Americans?—A. I do, from the inshore fisheries.

Q. You are decidedly of that opinion?—A. Yes.

Q. Do I understand that such is the general opinion of the people of Prince Edward Island?—A. Yes; it is pretty much the general opinion of those engaged in the fisheries at the island.

Q. Who, in your opinion, would pay and have paid the duty, under the circumstances, where it has been imposed by the United States?—A. We generally look upon the consumers as having to pay it. It depends altogether upon the law of supply and demand.

Q. Is that a theory of yours, or is it your experience?—A. The average taken during the time of the Reciprocity Treaty and the average since will lead to that conclusion. There is no question that when the right to a market during several years for a great interest, and the business necessarily growing out of such an investment, is checked, it gives rise to a different state of affairs; but if the fisheries were placed exclusively for the use of Canadian fishermen, I am deliberately of opinion that it would be better for them, because it does not follow that in the exercise of the wisdom a man brings to bear on his business it is necessary to follow mackerel at all. There are some portions of the fisheries in which they prohibit or discountenance the catching of mackerel. In Bay Chaleur they discountenance the catching of mackerel and catch cod. It has been an open question whether fishing for cod, hake, and haddock would not be more profitable.

Q. If the American fleet were excluded from the fisheries of Prince Edward Island, what other source of supply would be open to them?—A. They have the right to fish outside three miles and in their own waters.

Q. Do you consider it an unprofitable business fishing there?—A. I think so. I should not care to embark in it.

Q. I am now asking you, in view of the entire exclusion of all foreign fishing-vessels from our inshore fisheries, what would be the effect?—A. I wish to be distinctly understood that I am speaking altogether with reference to Prince Edward Island fisheries; not being acquainted with the American coast, I cannot give an opinion in regard to it.

Q. Why do you say that we should not have to pay the duty imposed by the United States?—A. It depends on the law of supply and demand. If the quantity of fish required by the United States is 100,000 barrels, and the catch by the American fishermen is only 60,000, it follows that they are 40 per cent. short. So up goes the price of mackerel, and they

must go outside for them. That was clearly established last year in potatoes. While they were 20c. a bushel at the island, they were exported and sold at \$1.10 in the United States. The consumer must have paid the duty.

Q. What was the duty levied on those sent to the United States?—A. Fifteen cents a bushel, I think.

Q. What were the prices of mackerel from 1860 to 1865, and from 1865 subsequently; were mackerel higher or lower?—A. The average from 1860 to 1865 was \$11.60, American currency, gross. From 1866 to 1872 the price was \$14.

Q. The price was higher after the abrogation of the Reciprocity Treaty than it was before?—A. The average price was higher.

By Sir Alexander Galt:

Q. What description of fish are you now speaking of?—A. Mackerel.

Q. What numbers?—A. Taking the average of Nos. 1, 2, and 3 during that period. A better illustration of the way in which prices go up and down would be to take the prices of the past two years. Here is the return of the Boston Fish Bureau for 1875 and 1876. In 1875 home-caught fish were 23,000 barrels; foreign-caught fish, 61,000 barrels. The prices ranged from \$19.25 for No. 1 to \$10.50 for No. 2, and \$7.40 for No. 3. The next year the position is reversed. In 1876 the home-caught fish were 82,935 barrels; foreign-caught, 43,000. That year the prices were \$14, \$8, and \$6. So the price goes up and down with the catch.

By Mr. Weatherbe:

Q. Your opinion is that you would have control of the markets?—A. The fisheries of the United States are not sufficient to supply the American markets. The item of mackerel, of which I am particularly speaking, is an item of export to the United States, where it is looked upon as a luxury. We in the fishing trade general think that pork and mackerel carry their values together—that the American puts one of the two into his house in the winter, either a barrel of the best pork or a barrel of mackerel. It would appear on looking over the statistics that while the modes of catching mackerel, the number of vessels and men employed, have been increasing every year, from which it might be expected to follow that the fish would get lower in price, such is not the case. Thirty years ago they were cheaper than to-day. The prices thirty years ago were—No. 1, \$5.30; No. 2, \$4.60; No. 3, \$3.50.

Q. Have you any knowledge of the tonnage employed in the American fleet during the existence of the Reciprocity Treaty; what was the maximum tonnage?—A. I think in 1854, at the commencement of the treaty, the tonnage was about 154,000 tons. From 1854 to 1862 it ran up to 203,000 tons odd.

Q. What was the highest tonnage?—A. 203,000 tons.

Q. Did it rise or fall after the abrogation of the treaty?—A. From 1862 to 1868 (in 1866 the treaty was abrogated) it fell from 203,000 to 84,000.

Q. To what do you attribute that?—A. To a variety of reasons. A number of vessels went into other businesses, for one thing—into the coasting trade and into other lines of business.

Q. You are speaking of the American fleet?—A. Yes. Another reason was the irritation caused by the surveillance exercised inshore of the gulf.

Q. Is it your opinion that had an effect on it or not?—A. I think it had a very serious effect upon it from what I can learn.

Q. Is that the opinion of well-informed Americans on the subject?—A. A good many of the owners of vessels in Gloucester are of that opinion.

Q. Have the people of the fishing villages on the coast of Prince Edward Island been benefited, and, if so, to what extent, by trade with American fishing parties?—A. We are always very glad to have American people come and trade with us.

Q. You trade with them yourself?—A. I do.

Q. Is it a very great advantage to the people of the island?—A. I never knew a man shut his shop to a customer.

Q. Is it any advantage to them?—A. I think it is mutually advantageous.

Q. Are you sustained in any great measure by it?—A. No; not at all. There is no one man on the island who could make a business of it, if he had the whole of it.

Q. Has that trade increased or decreased since the date of the Washington Treaty?—A. That trade has materially decreased since the repeal of the Reciprocity Treaty.

Q. Can you tell me why?—A. I think one great reason was, that the great expenditure in the United States caused a very heavy revenue to be raised for the war and brought taxes upon the manufactures of the country. I know that in several instances where I sold a great many barrels to American fishermen, they say they would be very glad still to buy them, but they are compelled to buy their barrels at home, and they are branded all complete, except the number, when taken on board. Sometimes when they ran short and bought a few additional, they had to pay duties on them when they got home. Supplies are now sent for those vessels by steamer to Charlottetown, and with our railroad through the island they can be sent through in bond. Men having twenty vessels often do that and thus send sails and supplies.

Q. Had you been in the habit of supplying barrels?—A. Yes; I have sold them a good many barrels.

Q. Recently they have brought barrels from home?—A. Yes, and are obliged to do so; that is what they tell us.

Q. Speaking of sails, why do they require sails to be sent?—A. A vessel comes down in the spring and she has generally poor sails. If she remains in the bay when the weather gets rough, they send for a good set of sails.

Q. Are those sails sent by the regular line of steamboats?—A. Yes, to Charlottetown; but they can have them distributed by railway at Cascumpeque, Souris, Georgetown, or Summerside.

Q. These ports are all within the fishing district?—A. Yes.

Q. I understand there is a railway station at Cascumpecque, where you reside?—A. Yes; right at the wharf.

Q. Are you aware whether it is the practice to send other things besides sails?—A. Sometimes it is done. They send beef, very often it comes to my care; sometimes pork.

Q. I believe you are consular agent at Cascumpecque for the United States?—A. Yes.

Q. And you say you act for some of these fishing men?—A. Yes.

Q. With regard to transshipment, have you any knowledge in regard to that matter?—A. Yes.

Q. Do you consider it an advantage to the Americans?—A. Yes; a considerable advantage to both merchants and fishermen.

Q. Describe how it is so, and to what extent it is practiced.—A. The privilege of transshipment is always looked upon by the fishermen

as equivalent to one trip, while the merchants look upon it as of very great use to them, especially a merchant having, say, ten or twenty vessels. If those vessels have 100 or 200 barrels the merchant can land them in any port and have them transshipped to the United States. He thus receives a return for the capital invested much quicker than if the vessel herself were to carry them home. Not only so, but as all the vessels are insured in a mutual insurance company, it relieves the risk of the amount for crossing the bay. The privilege of transhipment is looked upon as very important.

Q. How much do you consider that it would amount to with regard to trips?—A. To about one extra trip.

Q. Are or were your vessels ever in the habit of going to American waters to fish?—A. Never knew but one do so.

Q. When was that?—A. Within the past seven years; I think she was a schooner called the Lettie; she went there after pogies.

Q. She was an island vessel?—A. Yes.

Q. How long did she fish there?—A. She went there one trip; it was a sort of experiment. She did not do anything, and she brought back such reports that no other vessel has ever made the venture.

Q. It was an experiment, and it did not succeed?—A. Yes.

Q. Had you any interest in this vessel?—A. No; none.

Q. How many of the American fleet have you ever seen in your harbor at one time?—A. About 340.

Q. On what occasion would they assemble in such large numbers?—A. When there was a gale of wind.

Q. How often have you seen them there?—A. Annually.

Q. Do you often see hundreds of vessels there?—A. Not now. We do not now see so many as we used to see some three years ago. Very few have visited the harbor during the last two or three years.

Q. How are your fisheries this year?—A. Very good so far.

Q. Do you know how many vessels are likely to go there this year?—A. I have no way of getting information on this point otherwise than from the public prints, and by correspondence with my agents.

Q. But you have knowledge concerning it as a business man, have you not?—A. They say that at the present time 400 vessels are on their way, and that 400 are following these. I learn that from the public prints, and from information received from my correspondents.

Q. Do you believe that to be a fact?—A. I think that it may be a little exaggerated; but I dare say that there will be from 500 to 600 American vessels in the bay this year.

Q. Do you know whether the fisheries have ever been very much better at any time?—A. We had one year quite as good; but I never knew them to be better so far.

Q. You never knew them to be better, save during one year—that is up to the present time?—A. Yes.

Q. Are you acquainted with seine fishing?—A. I am not.

Q. What is your opinion with regard to the practice of the throwing over of offal? What is its effect on the fisheries?—A. We look upon it as being very injurious to them.

Q. To what extent is it practiced?—A. Most of our fishermen, except when they are hard pressed, will go off shore and dress their fish.

Q. Do they do this as a general rule?—A. They generally throw it overboard when they are off the grounds.

Q. What effect does the practice of throwing it over on the fishing grounds produce?—A. It is very destructive to the fisheries.

Q. Do your boats follow this practice?—A. We never permit them to do so when we can possibly avoid it.

Q. You speak of the Bay of Chaleurs; you are not practically acquainted with the fishing there?—A. No.

Q. Are you acquainted with the discouragement shown there to the mackerel-fishing?—A. Yes; I am acquainted with it.

Q. You were referring to the discouragement shown by the Jersey-men?—A. I was speaking of their discouraging the mackerel-fishing.

Q. Do you know why they discourage it?—A. Because they find cod-fishing is more profitable. They are entirely engaged in the foreign codfish trade with the Mediterranean.

Q. They are not engaged in mackerel-fishing at all?—A. Just for bait.

By Mr. Trescott:

Q. You have mentioned about the investment of capital in the mackerel-fishing in Gloucester. Can you tell the variation in the price of mackerel during the last 10 or 15 years?—A. Yes.

Q. The minimum and maximum as you recollect it?—A. From 1860 to 1865 the price averaged \$11.60; from 1866 to 1872 the average was \$14.

Q. How much has it varied in price?—A. The difference between \$11.60 and \$14.

Q. During the last 10 or 15 years what has been the minimum and what the maximum price? I understand it has varied from \$14 to \$25.—A. In 1860 it was \$12; 1862, \$12; 1863, \$11; 1864, \$9; 1865, \$14; 1866, \$13; 1867, \$13; 1868, \$11; 1869, \$17; 1870, \$22; 1871, \$23; 1872, \$11; 1874, \$14; 1875, \$10; 1876, \$17.

Q. It has varied from \$11 to about \$24?—A. Yes.

Q. That is an indication that mackerel is a fish of variable value?—A. Yes.

Q. That has been proved also by the condition of the fisheries and prosperity of the fishermen, which have varied during different years?—A. Yes.

Q. Don't you know that, as far as Gloucester is concerned, a vast amount of the capital employed would be withdrawn if it were not where it is?—A. I think the same rule will apply to almost any business.

Q. Don't you know that the most the men do is to make a living, and that they keep the capital invested in the business because they cannot change it?—A. If a man goes into a particular business he must do that to succeed.

Q. The mackerel fishing is a variable fishing, is it not?—A. Yes.

Q. The prices are also variable?—A. Yes.

Q. And with regard to Gloucester; the capital having been employed in that business so long, giving employment to so many people, it cannot be changed to another channel at once, but the investment of that capital is no indication of any pecuniary value of the fisheries?—A. I think it is, for this reason: it has been steadily raised year after year.

Q. Largely so?—A. I think largely so in 20 years; I have known it for about 20 years.

Q. What has been the increase in the last six years?—A. I think it has been a good deal. They have invested a great deal of capital during the last six years in expensive seines. More money has been invested in that way during the last six years than was during the previous six years in vessels.

Q. Is there a larger number of vessels also?—A. I think so.

Q. Do you mean coming up here?—A. I mean engaged in the American fisheries. Less vessels come here.

Q. Has not the capital invested in the fishing business in Gloucester diminished?—A. No.

Q. You think that has increased also?—A. Certainly.

Q. That it has increased in the American fisheries, and in the fisheries of the Gulf also?—A. They have increased the amount of capital invested in seines and improved modes of taking fish, which have cost in some instances nearly as much as the vessels themselves. I think also the names of vessels has increased.

Q. With regard to the calculations made as to the number of vessels coming into the fisheries, and the catches made; that is not an estimate that can be relied on—it is a guess after all! In regard to the 350 American vessels going there, that is an inference from the general run of the business?—A. They know pretty well. Canso, Souris, and Georgetown are generally the headquarters of the fleet in the gulf. The skippers come ashore, and are communicative. In fact, in many instances they are interested in each other's vessels, and they look after the catch. They can tell pretty well what it is.

Q. It would be no more certain than the estimate of a storekeeper of the number of people who entered his store in a day?—A. A great deal more so.

Q. Why?—A. The fishermen and those in the fisheries know as well as a matter of that kind can be known how many barrels vessels have got. It is pretty reliable—as reliable as anything you can get.

Q. If there were a \$2 license on each vessel, would you take that general estimate in arriving at the number of vessels?—A. I have never done that in regard to vessels, but I have done so with the takes of boats. I have bought out a day's fishing in that way.

Q. But no fisherman would take a guess like that?—A. If a master of a fishing vessel, with whom I was well acquainted as an honest, straightforward man, said he had 340 or 350 barrels, I should see no reason to doubt him.

Q. What sort of accuracy is to be attached to that estimate of the number of vessels on the coast? Is it not guess-work?—A. It is guess-work to a certain extent. It is as near as you can tell from what is heard from one and another.

Q. It is hearsay?—A. It is as nearly accurate as you can get anything of that kind.

Q. It is an impression?—A. It does not arise from an impression. A vessel may come into Georgetown with a broken spar, and the captain state that there are 75 vessels at the Magdalen Islands. Another vessel would report 100 vessels in Bay Chaleurs. That is the only way in which you can get at the number of vessels in the bay.

Q. With regard to the catch; is there any more certainty about that?—A. About the same.

Q. If 300 vessels were fishing together inshore, lee-bowing each other, and they drifted outside the limits, no estimate could be made of the quantity of fish caught inside and outside the limits, even if the number of barrels caught were known? All in regard to the number of vessels and the catch made is a pretty general estimate?—A. It is just such an estimate as you would procure yourself if you were appointed to procure an estimate. There is no other way of procuring it. I don't see any other way.

Q. With regard to the transshipment, do you refer specially to the transshipment at a point and down the railroad to Charlottetown?—A.

It is sometimes sent to Charlottetown. I can send a barrel of fish from Cascumpecque to Boston for 80 cents, from Charlottetown for 60 cents, from Georgetown or Souris for 80 cents. The through rate from either of these ports, to which the railway runs, to Charlottetown, is only 20 cents a barrel.

Q. You think the privilege of transshipment is equivalent to an extra trip?—A. Yes.

Q. One extra in three trips?—A. Yes.

Q. It is a saving in time, not in outfit?—A. If a vessel fits out with 15 men for 500 barrels, and catches 200, they can be at once sent home. If five vessels belonging to a Gloucester firm are in the bay, each having 200 barrels of No. 3 on board, and a large fleet is coming down with seines, they can land the barrels at Charlottetown, and on Friday the owner can have the proceeds in his counting-room.

Q. With regard to the trade with the American fishermen, you do not consider it directly of very great advantage, but simply as an incidental advantage?—A. We are very glad to have it.

Q. Not as a matter of pecuniary calculation?—A. No. It is looked on, as all matters of business are, as mutually advantageous.

Q. It is not a privilege granted to either party?—A. No man goes to a man to buy unless he wants the goods.

Q. No man would pay for the privilege of being permitted to buy?—A. I and my neighbors are very glad to have the trade. I suppose it is because we have the stuff which suits them that they buy it.

By Mr. Foster:

Q. I understand you to say that the mackerel fishing carried on from Gloucester in your British waters, has increased within the last five or six years?—A. I did not say so. I was asked whether I believed that the capital so invested in Gloucester within the last six years, had increased, and I say yes.

Q. Then this mackerel fishing in British waters, during the last five or six years has not increased, but diminished?—A. I think so.

Q. And steadily diminished?—A. I think so; and more particularly during the last two and three years; but I also think, judging from present prospects, and the information I at present have from the fishing grounds, and my correspondents, that the catch of this year will a little more than compensate for it as respects the average.

Q. Have you late information?—A. I have it, dating within the last few days.

Q. Within a week?—A. Yes.

Q. The latest I got was the other day.—A. I had a letter from my agents dated Thursday last.

Q. From where?—A. Boston; and they say a very large fleet has left for the bay; that a large fleet will follow; that there is no fishing on the American coast; and that most of the vessels there report from four to ten barrels caught. I believe that 400 seiners will come up.

Q. Did you hear of the catch this year off Block Island?—A. No, I did not. We generally can tell at this time of the year what the prospects are. If the fish do not strike the American coast before July, they do not so afterwards.

Q. If a small-sized vessel off Block Island caught 150 barrels in a few days, do you think it would indicate that the fish were moving in that direction?—A. It would indicate that they were coming or going. They might be going back.

Q. As late as August?—A. They very often do.

By Mr. Weatherbe :

Q. You told Mr. Foster that the fisheries had decreased during the last five or six years ?—A. The number of vessels coming to the gulf, during the last five or six years, has decreased.

Q. What about the fish themselves ?—A. The fish are there.

Q. The fish have been there ?—A. Yes.

Q. But the number of vessels fishing has been smaller ?—A. The best proof of that is the exports of Prince Edward Island for that period.

Q. What have they been ?—A. In 1865, the last year of the treaty, they amounted to \$181,675 in value. This is taken from a book entitled "Fishermen's Memorial and Record Book," by George W. Proctor, of Gloucester, Mass.

By Mr. Foster :

Q. For what years ?—A. From 1830 to October, 1873. In 1865, the last year of the treaty, the exports of Prince Edward Island for the current year ending first of January amounted to \$181,675. For the corresponding time in Gloucester there were 141,000 barrels caught. In 1866, the first year of the abrogation of the treaty, the exports of Prince Edward Island were \$79,990 in value, while in Gloucester there was a falling off from 141,575 barrels in 1865 to 112,856 barrels in 1866. In 1867 the exports for the island amounted to \$119,195, while in Gloucester there was a falling off from 112,000 to 103,000 barrels. Our exports rose again in 1868 from \$119,195 to \$161,836; and for Gloucester, in 1868, there was a falling off from 103,000 to 75,000 barrels. The exports in 1869 amounted in all to \$109,625; in 1870 they amounted to \$176,280; and in 1871 to \$146,925; while the number of barrels for Gloucester decreased from 146,000 in 1871 to 111,000 in 1872.

By Hon. Mr. Kellogg :

Q. Did the fish exports of Prince Edward Island, from 1854 to 1866, increase or decrease ?—A. They increased.

By Mr. Weatherbe :

Q. Mr. Foster wishes to know where you obtain this information ?—A. From the journals of Prince Edward Island; from tables I prepared myself when I was a member of the government.

Q. And you can say whether they are correct ?—A. Yes.

Q. You prepared them yourself ?—A. Yes.

By Mr. Foster :

Q. Are they in print ?—A. Yes. For the three years from 1857 to 1860 the exports increased, and from 1861 to 1865 they decreased. This is what the exports show.

By Mr. Weatherbe :

Q. Are the fish transshipped as American or British fish ?—A. As American.

Q. Suppose Americans buy fish from the island fishermen, do they then generally come under the head of American fish ?—A. That is very seldom done. During the period after the abrogation of the Reciprocity Treaty the Americans were permitted by their government to hire British boats and fish, and send the catch in afterwards as American mackerel.

Q. And they did that ?—A. Yes; in some few instances.

By Mr. Foster :

Q. Can you give us the exports for later years ? What is the last year for which you give them ?—A. For 1872.

Q. Give us the mackerel exports since 1872.—A. I have not got returns for the succeeding years; you can readily understand that since I have left local politics and gone into Dominion politics, I have not paid the same attention to this question that I did previously.

Q. You have no reason to doubt that the statements contained in the report of the Department of Fisheries for 1876 are correct?—A. I have very grave doubts about it.

Q. What is the matter with it?—A. I do not think that it properly represents the exports, and particularly as relates to Prince Edward Island, and I will show you why: we very often have to load a vessel at Tignish, and while loading off shore, there may come up a breeze, and she will go to Shediac or Charlottetown; sometimes she will sail to Shediac, the fish being sent on the Intercolonial Railway to St. John, and from thence by steamer. This fish is generally put down either to the United States or to New Brunswick as the case may be, by the packers of St. John; I know that one year I myself shipped more fish than appeared in the returns altogether.

Q. What year was that?—A. I forget. It was within the last seven years. In comparing the statistics of the United States with our own, it is to be borne in mind that the fish which our people eat are never included in these figures at all.

Q. Who now makes up the returns?—A. They are taken from the custom-house returns for Prince Edward Island.

Q. Who is the collector?—A. Mr. Currier, of Charlottetown.

Q. Who collects the returns at the different ports?—A. We have only one port, speaking from a custom-house stand-point, and that is Charlottetown; all the others are subordinate to it.

Q. I suppose that when you made the returns it was true that most of your mackerel went to the United States?—A. This was pretty much the case. Some few went to the West Indies.

By Mr. Thomson:

Q. The Dominion statistics are in your opinion erroneous?—A. I speak most confidently in this respect for Prince Edward Island.

Q. But that does not improve your confidence in them with regard to other places?—A. I cannot speak concerning them in that relation.

Q. In other words, Mr. Howland, these Dominion estimates are underestimates in your judgment?—A. They are. I speak more confidently regarding Prince Edward Island.

By Hon. W. Kellogg:

Q. Are these returns made from the custom-house, or by officers under obligations to collect them?—A. If cleared, they are made at the custom-house.

Q. They are made under the provisions of a law, are they not?—A. Yes. If a vessel clears at the custom-house this appears in the returns; but if not, not.

Q. It is the duty of the officials, according to the provisions of the law, to prepare them?—A. Yes; the returns apply to all the vessels that are entered. I think you will find it mentioned in a return that 238 barrels of oysters were exported from Prince Edward Island when the actual export was nearly 6,000 or 7,000 barrels.

By Mr. Weatherbe:

Q. Would you state, with regard to a report read here the other day representing that very great distress has existed amongst the fishermen, whether there is any great depression in connection with the fish-

eries, and destitution amongst the people?—A. Such does not exist. We had one year when the fisheries were in a depressed state, but you could not say exactly that destitution existed, because our fishermen are partly fishermen and partly farmers.

Q. There was depression?—A. Yes.

Q. What year was that?—A. I think it was 1861.

By Mr. Foster:

Q. It was 1861?—A. 1861 or '2.

By Mr. Weatherbe:

Q. Was it not 1868?—A. Yes; it was 1868.

Q. Was it a very serious matter at all?—A. It was not general over the island.

Q. It was a temporary depression?—A. Yes; it was confined to one particular place.

By Mr. Foster:

Q. Which part of the island?—A. The northeastern.

By Mr. Weatherbe:

Q. Has anything of that kind since occurred?—A. No; I was representing this district at the time in the government, and I will tell you how we remedied it. We appropriated £1,000 to build a breakwater for the use of the fishermen, and we gave them money in the spring of the year to buy seed. They repaid us in lumber in the winter. I was leader of the government at the time.

Q. You mentioned 1861?—A. I was mistaken; it was 1868.

Q. Do you recollect any other year of depression during the past twenty-five years?—A. No.

By Sir Alexander Galt:

Q. What was the cause, or was there a cause, for the depression of 1868?—A. It extended not only to the fisheries, but also to agriculture. We had a low price for fish, and a poor crop, both together, and a late spring; the ice was on the coast, as was the case two years ago, and the farmers did not get their crops in until late; consequently they had a poor crop.

By Mr. Foster:

Q. Was the harvest bad that year?—A. Yes.

Q. Was this the case elsewhere than on the island?—A. It existed only on that portion of the coast which was exposed to the northeast winds.

Q. Did the failure of the harvest extend to Nova Scotia?—A. No.

Q. They had "a bountiful harvest," to use the words of the governor in Nova Scotia, with a total failure of the fisheries?—A. I could not speak with regard to New Brunswick.

Q. You were afflicted with a failure of the fisheries and harvest together?—A. Yes.

Q. Was there not a diminution in the catch of fish as well as a low price for them in 1868?—A. No; in 1867 the exports amounted to \$119,195, and in 1868 to \$161,836.

Q. In the aggregate?—A. Yes.

Q. Give us the number of barrels for 1867 and 1868?—A. I cannot do so.

Q. Give us the prices for 1867 and '8?—A. In 1868 the price was as low as \$11, and in 1867 it was \$13.38.

Q. Two dollars less?—A. Yes.

Q. What were the quantities for 1867 and '8?—A. For 1867 and '8 the values exported were respectively \$119,195 and \$161,836.

By Mr. Thomson:

Q. This was the case notwithstanding the fall in the price?—A. Yes.

By Mr. Foster:

Q. Then you must have exported a great deal more when you were poor than before?—A. No. You will remember that the reports are made to the end of the fiscal year, the 31st of December, for Prince Edward Island. The figures for the 1st of January, 1868, would be for the preceding summer—the summer of 1867.

Q. Then you have given the figures wrong?—A. No. As you will readily understand, it was in the winter season of the year of depression that our fishermen principally felt the shortcoming in the crop.

Q. What were the exports for the year after the year of depression?—A. They then amounted to \$109,625.

Q. What was the average price in 1869?—A. \$17. You will find from the statement which I have made that the American shipping fell from 203,000 tons to 84,000 tons in 1868; and you will now see the reason for the advance in price; 84,000 tons could not catch mackerel enough to supply the demand.

Q. What was the tonnage of the American vessels in 1869?—A. I do not know.

Q. With what do you compare the 84,000 tons?—A. With 1866; you had 203,000 tons then.

Q. Let us see what your figures lead to; in 1866 you were prosperous with 203,000 tons of American fishing vessels, and in 1868, two years after, when the American vessels fell in tonnage to 84,000, your yield declined in value, and the price to \$11 a barrel?—A. No; when I quoted you the figures for 1867 they were the figures for the summer preceding.

Q. What was the American tonnage for the year of depression?—A. 84,000.

Q. Now, I want you to take the last preceding year of which you have the tonnage and the product of the fisheries, and make a comparison?—A. I make the comparison by the price.

Q. When you had 203,000 tons of American shipping engaged in the fisheries, by your own showing your own fisheries were prosperous?—A. Yes.

Q. And when you had only 84,000 tons of American shipping, then your own fisheries were in a deplorable condition?—A. The price rose from \$11 to \$17.

Q. But, then, the value of your fisheries fell, did they not?—A. They fell owing to a bad season's catch.

Q. With the withdrawal of this shipping from your waters, you were very much worse off than when in active competition with 203,000 tons of American shipping?—A. No; we were better off the first year of the withdrawal of your fishermen from our waters.

Q. Will you be good enough to confine yourself to the statistics we were talking about a minute ago, and go on with the comparison, and not fly into another branch of the subject; make any comparison you choose afterward, but stick at present to this. I want you to answer this question: When there were 203,000 tons of American fishing vessels, your own, the Prince Edward Island fisheries, were prosperous, were they not?—A. In 1862, no, sir.

Q. Is it 1862 you are giving us? You called it 1867.—A. In 1854 there were a certain number of tons of fishing vessels, and in 1862 another certain number, and in 1868 another certain number. In 1862, the tonnage was 203,000, and in 1868 it was 84,000.

Q. Have you no figures for tonnage between 1862 and 1868?—A. No, I have not.

Q. And in 1862, you say that your fisheries were not prosperous, do you?—A. In 1862 the exports were worth \$19,320.

Q. Your fisheries had not begun to grow at that time?—A. In 1861 the exports amounted to \$11,525.

Q. Previous to 1861 the exports were large, were they not?—A. We started from 1857, when they were worth \$25,000; in 1858 they were worth \$38,440; in 1859, \$33,890; in 1860, \$36,760; and then they fell in value from \$36,000 to \$11,525 in 1861. In 1862 they were worth \$19,320; in 1863, \$27,045; in 1864, \$42,775; in 1865, \$181,675; in 1866, \$79,990; in 1867, \$119,195; in 1868, \$161,836; in 1869, \$109,625; in 1870, \$176,280; in 1871, \$146,925; and in 1872, \$111,512.

Q. What was the year for which you gave the figures \$119,195?—A. 1867; that would be for the summer of 1866.

Q. You have no figures for years subsequent to 1872?—A. No.

Q. For what years have you the tonnage?—A. I take it from a report made to the Congress of the United States.

Q. Whose report is that?—A. General Butler's, and Judge Poland's, and Mr. Beckett's.

Q. For what years have you the tonnage of the American fishing vessels?—A. In 1854, this was 147,000; in 1862, 203,000; and in 1868, 84,000.

Q. What did you say the exports from Prince Edward Island were for the year when the tonnage was 203,000?—A. In 1862 they amounted to \$19,320.

Q. Have you got the aggregate product for that year?—A. That includes it.

Q. You give the aggregate product of the fisheries as well as the exports, don't you?—A. These relate to the fish exports generally; there is no way of getting at the other product that I know of.

Q. Am I to understand from you that the official returns regarding the other products, which are found in your papers, are not trustworthy?—A. Touching what the people use?

Q. I mean the total product of the fisheries of Prince Edward Island.—A. There is no way to get returns in Prince Edward Island that I know of, except from the custom-house.

Q. Then a recapitulation concerning the yield of the fisheries of Prince Edward Island for particular years would not be trustworthy?—A. Only with respect to the exports.

Q. I find a recapitulation of the yield of these fisheries for 1876 in a report.—A. This may have been obtained since we went into confederation. They may now secure the actual results by sending to the different places around the coast.

Q. And you do not know but that it may be accurate?—A. It may be so.

Q. Can you give an estimate from your own knowledge regarding the quantity of mackerel eaten by the inhabitants of Prince Edward Island in a year?—A. I could not.

Q. How many of them are there?—A. 100,000.

Q. Do they eat a great deal of mackerel?—A. I do not think that they do.

Q. Do they use a good deal of pickled mackerel?—A. I think that they do not use much of it.

Q. You would suppose that much the largest proportion of it would be exported?—A. I think so; a good many mackerel are sold in the fresh state.

Q. But that would not be anything like the quantity exported?—A. No.

Q. Then there must be some mistake where I find it claimed that you eat five times as many as you export?—A. A good many fish are sent from the island in this manner; for instance, from the fisheries of the northern section of the island. It is about 35 miles from North Cape to Point Escuminac, at the entrance to the river Miramichi, where a very large number of vessels are to be found in the summer, and a great many fish are taken thither and sold among the shipping. Of course these sales do not appear among the exports.

Q. What proportion would these sales bear to the exports?—A. I do not think it would be more than 10 per cent. from that section.

Q. Do you think that more than ten per cent. of the mackerel sold does not get into the exports?—A. Yes.

Q. What percentage would you suppose?—A. Perhaps fifteen per cent.

Q. That is your estimate?—A. Yes.

Q. Then you would add fifteen per cent. to the amount of exports?—A. Yes; this would be about it as near as I could tell.

Q. Taking the last return I have here, for 1876, I find that your exports amounted to \$80,289, and fifteen per cent. of that would be \$12,000, would it not?—A. I do not know whether those figures are procured from the custom-house or whether they are made up from information received from the different fishing stations.

Q. I suppose that some respectable person is responsible for these statistics, and that his opinion is as good as the opinion which one can probably get from the average of witnesses?—A. Yes.

Q. Adding the \$12,000 that would make \$92,000 worth of mackerel sold. Do you think that they would eat \$96,000 worth more on the island?—A. I do not.

Q. You would suppose that \$92,000 would represent the value of the fish thus sold or exported. Now, could you give an estimate of the value of the fish they would eat and consume on the island?—A. I speak more particularly respecting the section of the country with which I am acquainted. I should think that there would be, taking the three counties together, about 25 per cent. eaten.

Q. Twenty-five per cent. of \$92,000?—A. Twenty-five per cent. of the exports would be consumed at home.

Q. And one-quarter of \$92,000 would be \$23,000?—A. Yes,

Q. Then \$115,000 would be your total estimate?—A. I could not say positively, but I presume it would be about that figure; I think it would be about 25 per cent. of the exports returned from the custom-house, and I consider that you would then have the value of the fish exported and consumed, and 25 per cent. of \$80,000 added to it would make \$100,000.

Q. Then adding the 15 per cent. mentioned, your total estimate of the yield would be about \$112,000?—A. Yes; if what you state is correct.

Q. Has there been any time when the proportion of fish sold but which did not get into the returns, and the proportion consumed and exported, would vary in your judgment from the estimates you have

now given us!—A. I do not think that there would be much variation.

Q. We will get a tolerably fair idea of what the yield is from this estimate!—A. Yes.

Q. You do not eat much more than you used to, or sell more, that does not go through the custom-house!—A. The rule applying to fish as well as to everything else is, that the more you get, the more you eat and sell.

Q. Does your experience show you, with reference to custom-house returns, that where there is a return of a particular article at a port of export and a return of some article at a port of import, the returns for the port of import are almost always more carefully made and more accurate than the other!—A. I should judge that this would be the case; and particularly so if it related to dutiable goods.

Q. And as duties are levied on most things imported, these returns are a good deal more accurate than those which are prepared merely for statistical purposes!—A. Yes; unless vessels were lost on the voyage.

Q. So you would, as a general rule, regard the statistics of the port of import as more trustworthy than those of the port of export!—A. Yes, with respect to dutiable goods.

Q. And this would not be the case in any event!—A. No, not if it concerned free goods. I do not think that the same attention is paid to them as to dutiable articles.

By Sir Alexander Galt:

Q. Do I understand you to say that your estimate of the value of the fish exported from Prince Edward Island for 1876 is \$80,000!—A. No, sir; I did not say I knew what it was.

Mr. FOSTER. I assumed that from a book which I have in my hand.

Sir ALEXANDER GALT. We have had other evidence on the point.

Mr. FOSTER. I take it from a report regarding the fisheries for the year ending the 31st of December, 1876. What puzzled me and led me to make these inquiries was the extraordinary discrepancy existing between the yield of the fisheries put down and the exports. It puts down the yield of the fisheries at 25,383 barrels, at \$8 a barrel, making a valuation of \$203,064; and then the exports are set down at \$80,289 in value. It seemed to me very extraordinary that so much fish should have been eaten on the island, and I wanted to see what was the state of the case.

Sir ALEXANDER GALT. I would like to ask Mr. Howlan which of these two statements he considers to be most in accordance with the facts. This gives the catch of mackerel at 25,383 barrels, valued at \$8 a barrel, making \$203,064. What becomes of the yield, Mr. Howlan?—A. One portion of it becomes an item of export, and another portion an item of use among our own people; and then, as I stated with regard to the Northern Fishery, a very large number of vessels are found during the summer season about Miramichi Bay, and our fishermen go over and supply them. Again, opposite the eastern extremity of the island there is a large population, and the fishermen from about Murray Bay cross over in their boats and sell fish to these miners; and these sales necessarily do not find their way into the exports. These, taken in connection with the returns from the custom-house, would, no doubt, afford a very correct estimate of the yield.

By Mr. Weatherbe:

Q. Is the fish sold to the Americans and carried away in their ves-

sels included in the exports?—A. These sales would not appear in our returns, but in those of the United States.

By Hon. Mr. Kellogg:

Q. Explain the distinction with regard to the product of the fisheries; some fish, you say, are sold in Miramichi Bay, and some are sold to Americans on ship-board?—A. The sales in the former case are made to British lumber-ships of 600, 700, and 1,200 tons; the fishermen cross for the purpose from North Cape to the entrance to the Miramichi River. I see that for 1876 the quantity of mackerel exported from Prince Edward Island is put down at 9,347½ barrels, having an aggregate value of \$80,289, and that the yield of these fisheries is put down at 25,383 barrels. There seems to be a difference of some 16,000 barrels. The number 9,347½ barrels must certainly be incorrect, for a great many more are taken. If my memory serves me right, in 1870 some 16,000 barrels were taken.

By Mr. Foster:

Q. It is not possible that there is any disposition to make the export to the United States look pretty small?—A. No, I think that it is a misprint.

Q. The \$80,000?—A. Yes, and the 25,000. I might mention another fact. In two instances I had vessels which were bound to Boston, driven off shore, and I had to write to the comptroller of Boston detailing the circumstances and sending a certificate. The vessel did not have a clearance, and of course that item in our exports would not appear in the returns of Prince Edward Island for that year. I make this statement in order that you may know why I think that is evidently a mistake.

Q. Which way is it, do you think?—A. I think that there must be more than 25,000 barrels of mackerel caught.

Q. You think that there is a much larger export to the United States than the return shows?—A. I do.

By Hon. Mr. Kellogg:

Q. You said that there are 100,000 people living on Prince Edward Island, and that 25 per cent. of them are engaged in the prosecution of these fisheries; and afterwards you stated that 5,000 were so engaged. I did not quite understand you in this respect?—A. The number, 25,000, includes men, women, and children.

Q. The men, women, and children do not all go fishing?—A. No.

Q. And that is the reason why you say that 5,000 are so engaged?—A. Yes.

By Mr. Weatherbe:

Q. You stated that you got your figures from General Butler's report?—A. Yes.

Q. And you now have that report in your hands?—A. Yes.

No. 8.

WEDNESDAY, August 8.

The Conference met.

GEORGE HARBOUR, of Sandy Beach, in the county of Gaspe, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre :

Question. Are you acquainted with the fisheries in your neighborhood ?—Answer. Yes; with the mackerel fishery more especially than any other.

Q. How long have you been acquainted with them ?—A. Since I was a very small boy. I was born there and brought up there, and when I was able to go in a boat I went.

Q. When were you born ?—A. In 1836.

Q. Have the Americans been in the habit of fishing near your place ?—A. They have for many years past.

Q. Well, where have they been in the habit of fishing ?—A. Along the shore as far as Madeleine River, and as far as Seven Islands.

Q. Do they fish in Gaspe Bay ?—A. Yes; they have been there both bobbing and seining.

Q. What is the depth of the bay ?—A. 15 miles.

Q. What is the largest number of vessels you have seen fishing in your neighborhood at one time or during one summer ?—A. 300 is about the average. I have seen as much as 50 at one time in our harbor.

Q. During the season you have seen as many as 300 ?—A. Upon the average there have been as many as 300.

Q. Outside of the bay have you seen them above and below your place ?—A. I have.

Q. What kind of fish do they go for ?—A. Mackerel.

Q. At what distance have you seen them from the shore outside of the bay ?—A. Very handy in. I have seen them not more than 300 yards.

Q. Where is the mackerel caught generally ?—A. Inshore.

Q. How far from the shore ?—A. I have seen them right in by the rocks. The bait comes in and the mackerel follow the bait.

Q. Do you know what an American skipper would consider a proper load to go home with ?—A. 300 barrels would be considered a good fair catch.

Q. Well, is it about that number that they catch ?—A. Well, that is at one time, but they generally make two trips.

Q. What do they catch in the season ?—A. Upon the average they would catch 500 barrels in the season in their two trips; they would do very fairly doing that in the two trips.

Q. Can you point out the shore where you live ?—A. Yes (points to Sandy Beach on the map); I live three miles below what they call Gaspe Village.

Q. What is the size of the bay at the mouth ?—A. It is seven miles across; it narrows as it runs up. Opposite where I live it is only 3 miles from land to land, but as you see there is a sand spit which runs out, making it only a mile and a half from that to the northern shore.

Q. Well, they are taken within 1½ miles of the land ?—A. They are got within three-quarters of a mile of the land if they go in the middle.

Q. Well, it is in the bay ?—A. It is in the bay decidedly.

Q. What is the average tonnage of the American vessels you have seen fishing ?—A. 65 tons.

Q. What is the number of men ?—A. 15 men per vessel.

Q. Do you know anything about the cod-fishing ?—A. O, yes.

Q. Have you any cod ?—A. I have caught cod myself in no very large quantity, but I have seen quantities caught; there are lots taken in our bay.

Q. Do you know any places where cod are in the habit of spawning ?—A. Yes; right up in this shallow part of the bay (referring to map).

Q. What have you seen of that?—A. I have seen small cod-fish in the spring not larger than two inches and upwards; according as the season advances they get larger; in the fall they are about 5 inches, perhaps not quite so much as that. I have seen quantities right up there (*i. e.*, near Sandy Beach, in the bay). I have seen them in large quantities up there, so that if you threw bait overboard the water would be thick with them; in fact you could not heave down bait but it would be gone in a second.

Q. Outside in the bay, have you fished for cod?—A. Not as a business, but I have been in a schooner outside, and have caught cod-fish for our use on board the schooner; that is, in a Gaspe schooner.

Q. How far outside in the bay did you catch cod?—A. We have caught them at different distances, from a mile to five or six miles from the shore.

Q. Do you find some within three miles?—A. Plenty.

Q. Have you seen American vessels fishing or seining in Gaspe Bay?—A. I have, sir; both bobbing and seining.

Q. How long did it take them to get a fare?—A. There was one man that loaded in three weeks.

Q. He went back with how many barrels?—A. 350 barrels, according to the statement of some of the men.

Q. When was that?—A. That was nine years ago, to the best of my knowledge. The second year he returned, and two of my brothers were fishing. They were catching mackerel very fast, when he surrounded them with his seine, and they had to go away. It was reported afterward that one of his schooners was made a prize of.

Q. How was your brother fishing?—A. He was in a boat bobbing for mackerel, at anchor.

Q. Then that American came along and your brother had to go away?—A. Yes.

Q. Would you show on the map about the place where your brother was fishing, and show the whole extent of the fishing grounds where you have seen other people fishing?—A. I can. (Refers to map and points out fishing grounds.) It was right inside of the sandy point where they swept around with their seine and obliged my brother to go away. There is where most of the Gaspe fishermen fish for mackerel. The schooners likewise all come round there. That is the place where the mackerel come and deposit their spawn in that bay. A schooner would not be 200 yards from the rock on the north shore in St. Margaret's Bay. I have never seen them fish farther up than Mal Bay. They would strike from that off to the banks.

Q. Have you seen the Americans curing fish on their vessels?—A. I have seen them curing mackerel.

Q. What did they do with the offal?—A. That is thrown overboard.

Q. What is the effect of throwing the offal overboard?—A. The effect is, that if it is thrown overboard the codfish eat it, and they will not take the hook. Another thing is, that it makes the water impure and kills the eggs that are deposited. It will also kill the young fry. It makes the water very impure. I have passed over the water where there was a very disagreeable smell arising from this stuff rotting on the bottom.

Q. How deep was it?—A. It was fifteen fathoms in places where I perceived that smell. After you pass the deep water you come to a bank where it is only eight fathoms, and in some places fifteen fathoms.

Q. Did you see their people fishing or seining mackerel outside of

three miles?—A. I have never seen them fishing for mackerel outside of three miles. Only codfish I have seen them fishing outside of that.

Q. From your experience do you think it would be worth while for the Americans to come fishing in Canadian waters if they were excluded from within three miles?—A. Not for mackerel. I do not think from my knowledge, it would be. I have been told by Americans themselves that if excluded from the inshore fisheries for mackerel it would not pay them to come for mackerel at all. I have heard that from more than one.

Q. How do you see them come to fish?—A. They come alongside of us.

Q. How does that affect you?—A. It is very injurious. In this way: In the first place they have a better fit-out than we have. In the second place they have a kind of bait which is far superior to ours. When they come among us and throw this over it will entice the mackerel to take to theirs and they do not eat ours. In the next place, they are fitted out with mills, and grind the bait fine.

Q. They have no taste for your bait when they have tasted the American?—A. O, no.

Q. Have you experienced that yourself?—A. Yes.

Q. When you are left alone, do the mackerel take your own bait?—A. They do; they take it well. They don't know the difference then.

Q. Have you seen the Americans using the hauling seines?—A. I have.

Q. Do they use them in Gaspe Bay?—A. Yes.

Q. Did you see, also, the purse seines used?—A. Yes. In Gaspe Bay I have seen both purse seines and hauling seines. They are very injurious in this way: they take in all sorts of fish, and when they are hauled on shore the good ones are taken out, and those that are no good are left. As a natural consequence it destroys the fish that are no good when caught, but which would be good if left until later. Those bad fish are left on shore. They are hauled on the beach and left there. If the tide is rising some of them may get off and live, but if the tide is falling they all die.

Q. Is it injurious, also, to the codfish, that seining in the bay?—A. It takes these young fish and destroys them, of course. They lie there and die; they never grow.

Q. Have you ever had any conversation with the Americans in regard to this practice of seining, what its effect is?—A. I have had conversations with the Americans—

Q. What opinions have they expressed?—A. That it is injurious to the fishery, decidedly so.

Q. You have heard that from them?—A. I have heard that from Americans myself, and of my own certain knowledge I know it to be so.

Q. How is the cod fishery around you? Is it declining or increasing?—A. The cod fishery is on the increase since 1871 in Gaspe Bay.

Q. Have you any explanation for the increase?—A. I presume the reason is that a great many American vessels are drawn from the banks, which is the great nursery for our fish. (The shore fishery is fed from the banks mostly.) If they leave the banks quiet the fish will certainly increase. This proves to be the case.

Q. Has it been the case with your bay as with other places, that the two last years the fishery has not been good?—A. These two last years the cod fishery—not the mackerel fishery—has been very good. The mackerel fishery was very poor. In a manner there was none last year and the year before. This year the prospect for mackerel is better than it has been for a number of years.

Q. Have you seen any American vessels this year?—A. I have seen none yet this year.

Q. The season for mackerel fishing is not over?—A. It is just now commencing.

Q. Do you expect they will come?—A. I do expect they will come.

Q. Do you know that they come to your place after having tried Prince Edward Island?—A. O, yes.

A. So they generally go later?—A. In August, and from that to September, is the best time in Gaspe.

Q. Is there any difference between our mackerel and the mackerel taken in American waters?—A. I have never been there and can give no personal opinion. I have heard from American men that ours are far superior and bring a better price. The reason is that the bait is very plenty. When they come inshore with such abundance they very soon get fat, and then when they are taken they are in a beautiful condition. It makes them superior fish to their own.

Q. Have you any idea if the mackerel which you find around your place has been bred there or has it come from Prince Edward Island?—A. I think it can be proved positively that they breed in the bay. In the first place the mackerel taken about the 1st, 2d, 3d, and 4th of July, have a very small roe. We keep on catching up to the 15th or 20th July, when all at once the catching ceases.

Q. How do you explain this cessation?—A. They go to the bottom. In some cases we catch them in the very bottom; they are then spawning; after that the roes are all out.

Q. In what condition are they after spawning, fat?—A. They are very poor.

Q. How long does it take them to recover?—A. To the best of my knowledge, a fortnight after the mackerel spawn they are in very good condition. Afterward they still keep on increasing and become better still until October. I have never caught them myself later than the 4th of October.

Q. Is there any herring in your waters?—A. In the spring there is plenty as a general thing.

Q. Which is the fish that first makes its appearance, the herring or the mackerel?—A. The herring is first.

Q. In what month do they come?—A. In May. The 10th of May is about the time for the herring to come into our bay.

Q. The Americans don't come for herring?—A. No, not at all.

Q. Have you any idea of the food of the mackerel?—A. In our bay of Gaspé the mackerel feed on three different kinds of food; they have the shrimp, which is a very little fish, about three-quarters of an inch long; then there is the lante; and they also have a kind of food of which I do not know the name, but I have heard it called brit. It is almost like seed; it looks very much like turnip-seed.

Q. Is it a fish?—A. I could not give an opinion, but to the best of my knowledge it is a fish, or the mackerel would not eat it. It just looks like small seed.

Q. Did you ever see that brit in the water?—A. I could not say. I have seen the water discolored; very likely it was caused by this. I could not say positively whether it was that or not.

Q. What color is the shrimp?—A. It is of a reddish cast, a little fish about three-quarters of an inch long. It frequents the waters in great abundance.

Q. Is it enough to make the water look red?—A. I dare say it would. As a general thing it is inshore. The shrimp is either inshore or to the

bottom in deep water. I have never seen it to the surface in deep water, but I know it is to the bottom because I have caught codfish off the bottom with it in, and I have caught whales with barrels of it in them.

Q. Have you seen the Americans landing to dry their nets?—A. I have seen them drying seines; I have seen them landing to dry their seines as well as to repair them.

Q. Is that an advantage for them to be able to land in that way?—A. Decidedly it is. Of course it is an advantage. It is no easy matter to mend a very large seine on board if it is torn, as is often the case. It is not easy to spread it on board to dry and mend it; but it is easy enough to do so on the beach.

Q. What is the length of those seines?—A. They vary from 80 fathoms to 250 fathoms.

Q. Are you talking now of all kinds of those seines which are dried on land?—A. No; I am only speaking of the mackerel seines. That is the only kind I have ever seen dried. That is the only kind I have ever seen used up in our bay. On the coast of Labrador I have seen plenty of codfish seines, but that does not concern this.

Q. You have stated that the American vessels often make two fares; could they make those two fares without transshipping? Would they have time to go back and unload and then come back? Do you think it is by transshipping that they are enabled to have two fares?—A. Transshipping their cargoes certainly gives them a great advantage, and I scarcely think they could make two fares if they had not that privilege. They might in certain cases, but as a general thing they could not make two fares. It would take too much time, and before they returned the mackerel season would be over.

Q. As to keeping the fish fresh, could they do so without being supplied with snow?—A. Not for any length of time, so far as my judgment goes.

Q. Do you think they could have time to go home with that fish and keep it fresh without something to preserve it, such as snow?—A. As to that I could not give an opinion decidedly. I have heard them say they have taken a cargo home in their own ice; but I know they have come up into Gaspé Bay to buy snow. They have come to my brother-in-law.

Q. Is it snow or ice they use?—A. I have never seen it myself. In Gaspé we use all snow.

Q. Is it preferable?—A. It is. I will explain. If you take a lump of ice and break it ever so small, when you come to pack up the fish in it the broken pieces of ice will bruise the fish and injure it. The snow is perfectly safe, for when it is beaten down it does not hurt them at all.

Q. Are there many people around your place who preserve snow?—A. There are a great many people that have it for their own use, for in the Bay of Gaspé they sell all their salmon fresh. They keep them in their snow-houses until they have enough to take up to the village. There they are sold to a firm by the name of A. Fraser & Co. From that they are sent all over Canada.

Q. Do you know about the classification of mackerel as Nos. 1, 2, and 3?—A. I know something about it.

Q. What is the proportion of No. 1 in the mackerel caught in Gaspé Bay and around it?—A. They are about half No. 1, to the best of my knowledge, in Gaspé Bay. We very seldom have No. 3, except in the very early part of the season.

Q. Have you any idea of the profits realized out of a season of mackerel fishing by a vessel of the capacity of 75 to 70 tons?—A. I think I

have. As I stated, their fare would be about 500 barrels, provided they make two trips. Those would sell in the States I presume, from what I have been told, at \$12 a barrel, taking the good and the bad. I think those figures will give a pretty good idea.

Q. How many barrels do you think it requires to pay the expenses of the season's fishing?—A. One hundred.

Q. Above 100 it is all profit?—A. It would be profit to the crew and owners. As I understand, they are all sharemen.

Q. That would make 400 barrels, at \$12, to divide between the owner and the crew?—A. Yes.

Q. The crew you have stated is between 12 and 15?—A. About 15, and from their own statements they are all sharemen, with the exception of the cook. He is always paid, I believe.

Q. The Americans do not get bait near your place?—A. No; they bring it with them. There is one thing I wish to state. I have been told by themselves that if they were allowed to frequent our waters for the space of ten years our fish would be extinct.

Q. Through excessive seining?—A. Seining and bobbing as well, and, as I told you, from this offal being thrown overboard.

Q. Did you hear them say anything about the effect of their methods of fishing in their own waters?—A. They did tell me that it ruined their banks, so much so, that you could not get fish enough on them for a breakfast.

Q. Did you state that around your place and the places you have mentioned and pointed to on the map, the mackerel was taken all exclusively within three miles of the coast?—A. All that ever I have seen were taken within three miles.

Q. You have not seen mackerel taken outside?—A. I have not seen the mackerel taken beyond three miles of the coast.

By Mr. Foster:

Q. Which was it, the cod or the mackerel, that got so bad that they could not catch fish enough for breakfast?—A. The Americans told me their codfish on their own banks had been ruined.

Q. It was nine years ago that an American vessel got its fare in three weeks?—A. To the best of knowledge, it was.

Q. Do you remember the name of the schooner?—A. I remember the name of the man; it was Captain Marshall.

Q. You remember that the schooner was seized next year. Do you happen to know how much fare he got in three weeks?—A. I was told that he got 350 barrels. I merely tell you I was told by other parties.

Q. That was such an unusual amount that some people informed, and next year he was captured; is that so?—A. The next year, when he surrounded my brother's boat, there happened to be a man from the southwest, and he went right up the basin and told the cutter there that they had been surrounded by the American vessel with a seine.

Q. What sort of a seine was it?—A. I could not tell you.

Q. Was it a hauling or a purse seine?—A. I almost think it was a purse seine. I was not there; I was told by my brother.

Q. Do you think purse seines were used at all nine years ago?—A. I am quite positive they were.

Q. Now hauling seines are used from the shore, are they not?—A. Yes.

Q. Which have you noticed to be used most in your bay?—A. The hauling seines.

Q. Then the chief part is done by men going on shore?—A. Yes.

Q. They cannot haul these seines without going on shore?—A. No.

Q. Well, do you understand that they have not a right to go on shore?—A. The time of the treaty, I think, they did.

Q. So this is one of the privileges you suppose they are to pay for. When they use purse seines they go into deep water?—A. Sometimes.

Q. How deep must the water be?—A. The water inside of our cove is eight fathoms.

Q. Close up to the shore?—A. It is five fathoms deep at a distance from the shore not farther than to your seat.

Q. You gave the width of the bay where you live. At the mouth, between Cape Gaspé and Point Saint Peters, what is it?—A. Seven miles, to the best of my knowledge.

Q. Now, the mackerel fishing in Gaspé Bay amounted to almost nothing last year. Did you notice any American vessels there then?—A. I did not.

Q. 1875 was a bad year?—A. Pretty bad.

Q. Did you notice any Americans there in 1875?—A. I think I was away.

Q. Where do you think you were?—A. On the north shore. I spent four months on the north shore.

Q. Whereabouts?—A. At Mingan.

Q. You did not hear of American vessels being there that summer?—A. There was no mackerel.

Q. Go back to 1874.—A. Beyond that time there were Americans. There were a few in 1874.

Q. How many?—A. I could not give you the number.

Q. Nothing like the number you used to have when the fishing was in very good condition?—A. No.

Q. Your Gaspé fisheries began to fail far back?—A. Yes; they did begin to fail.

Q. And they have been growing poorer and poorer ever since?—A. Until this summer.

Q. Well, you have not got through with this summer yet, and you do not know what is going to happen. Have you found any vessels in your bay this summer?—A. No; I came away.

Q. Do you think that in 1873, 1874, 1875, or 1876 the Americans caught many mackerel in Gaspé Bay?—A. They did not catch a great quantity.

Q. Precious few?—A. Not a great many. They had destroyed them before, and as a natural consequence they could not get many.

Q. Then you think your bay fishing is destroyed?—A. I think it will be replenished.

Q. What? With all these Americans with purse seines, offal, &c.?—A. No; not if they are allowed.

Q. They will come, though, under the treaty, if there are any fish there, unless they get more on their own shores?—A. No doubt of that.

Q. But for the last four years there has been no temptation to them to come?—A. No; there has been no encouragement.

Q. You spoke of their drying their seines on shore. Those are mackerel seines?—A. Yes.

Q. They are used from the shore?—A. Yes.

Q. Who, about this matter of snow and ice; are there establishments in your vicinity where they keep it for sale?—A. They don't keep it for sale, but for their own use.

Q. Where do the Americans get snow?—A. Not in the Bay of Gaspé.

I have seen one come in to buy snow, and he offered a good price, but could not get it.

Q. Of course they do not find it lying around in summer, and as your people will not sell it to them, they don't get it there?—A. I would not say they don't sell it, but on this particular occasion I refer to they did not get it.

Q. There is no snow in Gaspé Bay for sale?—A. It might be made a beautiful depot for snow and ice.

Q. And if it looked like a profitable business, have you people of enterprise that would go into it?—A. Certainly, it is a very easy matter.

Q. Then whether you will have snow and ice for sale or not depends upon whether the prospects are sufficient to induce men of enterprise to go into the business?—A. Certainly.

Q. If you should build houses and store snow and ice, and sell it to Americans at a profit, it would be a benefit to you?—A. It would be a benefit just then, but it would be an injury in a general way, because they take the mackerel that belongs to us and sell them.

Q. That is the catching of fish would be an injury?—A. Yes.

Q. Have you ever noticed that your fishermen caught less fish on account of having the Americans there?—A. Of mackerel they have.

Q. Have they caught more since the Americans ceased?—A. No.

Q. Does it not come very much to this, that when the mackerel are there, they are nearly as abundant as the sand on the seashore, and when they are not there nobody can get them?—A. Not exactly. The mackerel are pretty abundant, but the Americans are in abundance, too.

Q. But in years when the mackerel have been there and the Americans too, for they seem to come together, have not your own people got a good catch?—A. Pretty fair; but I am positive they would have got much more if the Americans had not been there.

Q. What fleet have you; is it boats or vessels?—A. All boats.

Q. How many?—A. Those are hard questions to answer. The people are mostly fishermen and farmers as well. If the mackerel comes in plenty, they nearly all fit out and come out at a certain time for mackerel.

Q. What is the greatest number you have ever known boat fishing?—A. I have known as many as 100 boats.

Q. That is all around the Bay of Gaspé?—A. It is only about three miles from the land spit where they catch. It is close in.

Q. What part of Gaspé Bay is it that they catch mackerel in?—A. (Pointing to the land spit in Gaspé Bay.) It is around that the seines are hauled, and there is where we catch.

Q. Are there mackerel to be found in the lower part of the bay in good years?—A. Yes.

Q. Now about transshipping, explain that?—A. Well, the American vessel has say 250 barrels, or whatever the number may be. She runs to Charlottetown, Pictou, or anywhere she likes, and there transships or stores it.

Q. Well, if it is transshipped to the States, does it go in sailing vessels or steamers?—A. That I cannot answer. I was never there to know. I have been informed that they tranship it or store it.

Q. You seem to know about the habits of the mackerel. How long does it take a mackerel to grow up to maturity?—A. I think you cannot get at that.

Q. You think nobody knows that? I did not know but what you knew

whether it would be large enough to catch in the second summer?—A. No; I presume they are not.

By Mr. Doutre:

Q. Is it to your knowledge that when you had no mackerel in Gaspé there were some in Prince Edward Island and other places where the Americans are fishing?—A. I have heard so.

Q. You have not seen it?—A. No, but I have heard it from good sources.

Q. It might have been a failure in Gaspé, but not a failure in other places?—A. Just so; it was not a failure in other places. That I know to be the case. There are times when the mackerel pass by Gaspé and go right up the river.

Q. In regard to your mode of fishing in boats, do you consider it is more profitable for your people to fish in that manner than to fit up costly vessels?—A. It is more profitable provided the bay is left alone. But when the Americans frequent the bay they take the mackerel out. It would be much more profitable if the bay was left quiet, and there were no vessels to entice the mackerel away.

Q. If left alone you could carry on both agriculture and fishing successfully.—A. Yes. They are combined. They have only to go a mile and a half. In the morning they go out and take a fare of fish, and then go to work on their farms until four, when the sun begins to go down. Then they go out again. They land in the morning at 8, 9, or 10 o'clock and never go out until 4 o'clock so that they have plenty of time on shore.

Q. As it is, when the Americans go to your place you are reduced to farming almost exclusively?—A. Well, the mackerel fishing there does not pay much.

By Mr. Foster:

Q. You hav'n't had any mackerel to catch since the Americans stopped going there?—A. Well, how could we have when you caught them all?

Q. Well, that is what I want to see. You have known of Americans being there and taking quantities of mackerel. What was the last year when that occurred? Give the date. Is it as much as five years since?—A. Yes, there has never been any great catch since that.

Q. Take the year 1872. How many American vessels were there then?—A. That was one of the greatest years for the Americans. There was at least 300 sail. They would come and go. If they found the mackerel there satisfactory they would fish. If not they would run up the shore or down the shore.

Q. Now do you pretend to say that that year, when you saw 300 sail of American vessels, your fishermen were prevented from fishing?—A. I do not pretend to say they were prevented; on the contrary, they could fish, provided they kept out of the American schooners' way.

Q. A good many of your people had boats and used them?—A. Yes.

Q. How many fish would they catch in the boats?—A. I know of one boat that got through the season 200 barrels.

Q. How many men were there in her?—A. There would be two men all the time, two of my brothers. Then they had some small boys with them. A little fellow can haul a mackerel in. Sometimes there would be four boys, which would make a crew of six in all. Sometimes, in stormy weather, the smaller boys would not go.

Q. That would be an extraordinary catch?—A. Yes, it would.

Q. What would be an ordinary catch?—A. Fifty barrels would be an average.

Q. How many weeks does the mackerel season last there?—A. We commence catching after August. Sometimes in July, from the first to the middle, and from that on as late as the 4th October, which is the latest I ever caught. As a general thing the 20th September ends the season.

Q. The average is 50 barrels?—A. Yes, for four men.

No. 9.

WILLIAM A. SINNETT, of Griffin's Cove, county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. Where do you live?—Answer. About 15 miles above Gaspé in a place called Griffin's Cove.

Q. What is your age?—A. Forty-five years.

Q. Have you always lived there?—A. I have always lived there.

Q. Are you acquainted with the mackerel fishery around your place?—A. Yes, I am.

Q. What occasion have you had to become acquainted with it?—A. I have fished myself and I have seen others fishing.

Q. What is the best place to fish around your place?—A. You mean outside or inside?

Q. Either outside or inside.—A. Inside is the best place with us.

Q. You know that fishery better than the fishery in Gaspé Bay?—A. Yes, I never fished in Gaspé Bay.

Q. Is it near your residence that you have been in the habit of fishing?—A. Yes, right where I live. We fish right there.

Q. Have you ever seen American vessels fishing there?—A. I did, sir.

Q. When was the last time?—A. The last time, it was about nine years ago, I suppose. I do not see many of them lately; but before that they generally came every year, lots of them.

Q. During the fishing season how many American sails have you seen?—A. I never took the trouble to count all of them exactly, but in conversation with American captains they have told me that there were 300 sometimes, and sometimes as high as 500. I did not see all of that number at one time.

Q. What quantity have you seen yourself?—A. I have seen about 60 odd sail at one time near Madeleine River.

Q. How far have you seen the American skippers fish?—A. I have seen them two miles from the shore, and inside of a mile.

Q. That is in the mackerel fishery?—A. Yes; mackerel fishing I mean.

Q. Where do you generally see them fishing for mackerel? Not further than a mile from the shore?—A. I never saw them further than that. They generally fish in by the shore.

Q. Have you ever seen them fishing outside of three miles?—A. No.

Q. Do you know they were in the habit of going on the north side? Do you know anything about that?—A. I have been there; not with them, but I have found myself there. I did not see them fishing, but seining lante and caplin.

Q. Have you ever had occasion to go on board these vessels?—A. Yes; I have been fishing with them a little while.

Q. How long?—A. I have been three weeks in them. That is all.

Q. Were you engaged as a fisherman?—A. I was engaged as a pilot and fishing at the same time.

Q. When was that?—A. Twenty-five or twenty-six years ago.

Q. Where was that vessel from?—A. Gloucester, I think.

Q. Were you with them when they finished their fare?—A. No.

Q. How many barrels had they when you left?—A. They had 200 barrels. They had not taken that much while I was with them. They only got 50 barrels while I was with them.

Q. Where did they take them?—A. Along the shore.

Q. How far out?—A. From half a mile to a mile.

Q. Is it to your knowledge that they have fished mackerel at Fox River?—A. Yes; I was with them when they got them at Fox River, and also at Grand Vallee.

Q. Is that above Madeleine River?—A. It is about nine miles from Madeleine River.

Q. What is the tonnage of the American vessels you have seen fishing?—A. I think they averaged about 65 or 70 tons.

Q. How many men have they?—A. The one I was aboard of had 15. They have generally 12 or 15, so far as I could understand.

Q. From what you have seen and heard, what is the ordinary catch of a vessel when it unloads or transships?—A. I have never been on board when they transshipped, but they have told me it was about 500 barrels a year. They told me that themselves.

Q. That is during the season, whether one trip or several?—A. Yes; some catch less and some more.

Q. Have you known of any very big catches, above 1,000 barrels?—A. Yes; I was not with them, but the captain told me he had caught as high as 1,300 barrels. He told me she could carry 1,400. She was a vessel with two topmasts.

Q. You do not know where those were taken?—A. No.

Q. Did you ever speak with American fishermen to know at what distance from shore they were in the habit of taking mackerel?—A. Yes; and I have seen them do it myself.

Q. Speaking of a vessel that would take 500 barrels, how many would it require to cover expences?—A. I could not say exactly.

Q. Have you seen the Americans fish?—A. Yes.

Q. What is the effect of their method?—A. It is very bad; it destroys a great many kinds of fish that are thrown out. They haul every kind of fish to the shore. I only saw them once, but a good many folks have seen them.

Q. Have you seen what was thrown out?—A. Yes; all kinds of fish.

Q. Is there a large quantity?—A. Yes; a good quantity enough. I suppose a barrel or so of all kinds of little fish.

Q. These fish would have been good next year?—A. Yes; or the year after.

Q. Do you know how they cure their fish on board?—A. Yes.

Q. What do they do with the offal?—A. They heave it overboard.

Q. What is the effect of that?—A. I think the effect is to damage the fish. I think it gluts the fish and the fish will not bite, so far as I understand. It also raises a kind of slime or dirt which poisons the water and damages the fish, so far as I could understand.

Q. Do you think it would pay an American to come from Boston or Gloucester to fish for mackerel in our waters if prevented from fishing within three miles of the shore?—A. I do not think they would come, for I do not think it would pay them at all.

Q. Did you talk with the Americans about that?—A. I have spoken

to some of them. They told me that to fish outside they would not come, for it would not pay. The tide is too strong about our way. They come inshore to catch, where there is no tide or very little tide.

Q. Well, is it any advantage to the Canadians to fish alongside these American vessels?—A. No; it is no advantage. They have no chance.

Q. What prevents them?—A. We are not as well fitted out for mackerel-fishing, in the first place. In the next place, we have got used to using the hanging nets. While all the Americans are lying in the stream we are obliged to haul our nets ashore; otherwise we would get our nets hooked in their chains and break them. We are obliged to go ashore.

Q. Did you say anything about the bait they used?—A. I have seen their bait. I do not know where they get it. In the Gut of Canso, I believe, or somewhere.

Q. When they throw that bait, can you fish with advantage with your own bait?—A. We could if they were not there, but when they are there we cannot catch with ours, for theirs is better.

Q. You are obliged to haul your seines ashore when they come, as they would spoil your seines?—A. Yes.

Q. Explain?—A. Sometimes they fished at anchor, and, if any fisherman attempted to come close by, they would order him off, and, if he did not go at once, they would stone him and send him away.

Q. If he would not go away, he ran the risk of being forced to move?—A. Yes, of a certainty.

Q. Do you know whether our mackerel are of the same quality as the American mackerel, or whether the former are better than the latter?—A. I know what they themselves say about it.

Q. What do they say?—A. That the mackerel about our shore are better than theirs. Ours are later than theirs, and a great deal larger and fatter.

Q. This is just because they are taken later?—A. Yes; I think that they take the mackerel as they come along up the shore, following them into our bay.

Q. Do you know how mackerel are classified into numbers one, two, and three?—A. Yes; but I do not know the difference as to prices.

Q. What proportion of mackerel No. 1 is generally taken in our waters in your neighborhood?—A. I think they are fourteen inches long.

Q. Do you take more of the first than of the second quality?—A. It is according to the season. Late in the season a good many more number ones than number twos are caught. When the fish arrive in our vicinity, they are generally small in size; but later they are bigger and better. I suppose about one-half of the catch is number one.

Q. What do the mackerel feed on?—A. Up our way, their food consists of shrimps and small lantz. There are a great many of them along our shore, and the mackerel are there every year.

Q. Have you large quantities of shrimps along your shore?—A. O, yes.

Q. Are codfish found in your neighborhood?—A. Yes; they are what we mostly catch.

Q. During the last two years very few mackerel were found along your coast—has this not been the case?—A. Yes; we hardly caught any.

Q. Did codfish visit your coast during this period?—A. Yes. We had, however, more cod this year than last year.

Q. How far from the coast do you fish for cod?—A. At one and a

half or two miles from the coast, but no farther than that up our way. No banks are situated in our vicinity.

Q. There are many on your side of the coast?—A. No.

Q. What quantity of cod can be taken by men like you and your neighbors near their own homes?—A. All cannot catch fish alike; some boats secure from 150 to 250 draughts. One season's fishing extends from the first or the middle of May to the middle of August, and another from the middle of August to Toussaint.

Q. How many can a man catch during the whole summer?—A. Some get 300 draughts. A draught is 224 pounds.

Q. That is two quintals?—A. Yes.

Q. And you say that a farmer like yourself may take during the summer 300 draughts?—A. Yes; during the season—the summer and fall.

Q. What is the value of this codfish?—A. Last year it was worth \$2.50 a draught, but this year its value is about \$2 a draught in our quarter.

Q. Because more are caught this year?—A. Yes; and there is less appearance of a market for them.

Q. Have you seen Americans drying their nets on shore?—A. No. Stay; I think I saw them doing so once on the Bay of Gaspé.

Q. Is it easier to dry seines on land than on water?—A. Certainly; a seine will dry better on a sandy beach than on deck.

Q. Do the American vessels generally make two trips a year?—A. They have told me so.

Q. Have they time to go to Boston and return for a second fare, or do they tranship the first cargo?—A. I could not exactly say, but I think they have told me of their transshipping a cargo somewhere in the Gut of Canso. This gives them time to come back and get another load.

Q. It is an advantage to be able to do so, is it not?—A. Yes; certainly it is.

Q. What kind of bait is used in fishing for halibut?—A. Herring and mackerel; anything like that.

Q. Have you seen American vessels fishing for halibut?—A. I saw them only once setting their trawls, but I did not see them haul the trawls up.

Q. You do not know where they get their bait?—A. No; I could not say.

Q. Have you ever heard of any Canadians going to fish in American waters?—A. No.

Q. Do you thin that this would be a profitable venture for them?—A. No; since Americans came here themselves to fish, it would not pay Canadians to go there; it should not.

Q. You have never heard of any Canadians going there, even when there was not good fishing here?—A. O, no; it is not in our way at all to go there.

By Mr. Dana:

Q. You say that the Americans sometimes injure your seines?—A. Yes.

Q. How are your seines set?—A. I will show you: Say a lot of American vessels heave to about half a mile off our shore, when the tide is running in, our fishermen will go ahead of the vessels and come in with the tide; then the vessels will be right in our way, and we will be obliged to haul our nets up.

Q. You go above them in order that the tide may take your boats down?—A. Yes.

Q. Are the Americans then at anchor?—A. Yes.

Q. Swinging to the tide?—A. They are at anchor; they fish there day and night; they swing with the tide.

Q. How far ahead of the American vessels would you go with your boats?—A. Some will go a mile, others a couple of miles or half a mile; and while coming in they will drift with the tide.

Q. How do you use your nets?—A. We tie them to one end of the boat, then the first thing that will happen, will be our being brought up by the American vessels.

Q. The nets are not made fast on shore?—A. O, no.

Q. How many boats would there be to one net?—A. One boat generally takes two nets.

Q. How large are the nets?—A. From 20 to 25 fathoms in length, and from 4½ to 5 fathoms in depth.

Q. I do not understand how you can use with one boat a net as large as you describe.—A. That is easy enough. We place the nets in the evening and in the morning we bring them ashore. Then we fish for cod when we can catch enough bait; then the next evening when the tide begins to run in we go out again.

Q. How can one boat manage two nets?—A. That is easy enough. One boat can manage five or six nets.

Q. How do you fasten them?—A. One after the other.

Q. They are not made fast to the shore?—A. No.

Q. And the nets drift with the tide?—A. Yes.

Q. And they are fastened to the boat?—A. Yes.

By Hon. Mr. Kellogg:

Q. How are they spread?—A. In the water.

By Mr. Dana:

Q. Are they furnished with corks?—A. Some are made with corks and others with wooden floats.

Q. How do you keep them from coming together?—A. The tide stretches them out.

Q. And your objection is that at last you drift on the American vessels?—A. Yes.

Q. Do you catch many fish in your nets?—A. Yes; but not every time. Sometimes we do.

Q. What do you catch?—A. We catch mackerel with lines and nets, and we fish every day, when possible, and when we can secure bait.

Q. Do not the large nets catch mackerel?—A. No. The mesh is too small. Our herring-nets have only a 2½-inch mesh.

Q. Do you catch any other fish in the nets?—A. Whatever gets into them we catch.

Q. Does the whole fish get into the net?—A. Yes.

Q. How do you fasten them in when there?—A. The mesh is small, and when the fish get into the meshes they stop there until we haul them up.

Q. You say that a boat can manage two or three nets?—A. Yes; but they generally use two.

Q. How many fish are caught in the nets?—A. It depends upon the size; some take from 300 to 400 herrings; others take less, and some secure as many as 1,000 herring.

Q. Don't you catch anything else than herring?—A. No.

Q. Don't you use seines for mackerel?—A. We do not.

Q. What is the difficulty?—A. We do not fish for them. There are

no more mackerel, save very few, now on our shore. Then that is not at all our trade.

Q. I suppose that if there were mackerel enough you would use the seine?—A. Perhaps we might. I could not say. We are not accustomed to that fishing at all. It is not our trade.

Q. You say that one reason in connection with this competition between your fishing vessels and the Americans is that the Americans are generally better fitted out?—A. Yes.

Q. And they have better bait?—A. Yes.

Q. Why don't you beat the Americans in this respect?—A. We are not in as good a place as they are to get bait, I suppose.

Q. They bring their bait from home?—A. Some do. Some of them have told me that they have gone ashore and bought it in the Gut of Canso.

Q. Menhaden and pogies?—A. Something like that, and clams.

Q. It is now ten or twelve years since a great many American fishing vessels were in your neighborhood?—A. It is a good many years since this was the case.

Q. When did their number begin to grow less?—A. I think it was about nine or ten years ago.

Q. And they have kept diminishing in number up to this time?—A. Their number has been getting smaller.

Q. And lately hardly any have visited your coast?—A. Last year there were hardly any. They come no more because there is no more mackerel to catch.

Q. What do you do with your boats in these times?—A. We catch cod.

Q. And not mackerel?—A. No; we fit out to catch cod; sometimes, however, we catch mackerel.

Q. And you don't undertake the mackerel business?—A. It does not pay us to catch mackerel.

Q. You take small and young cod?—A. We take them as they come.

Q. Do you get none but small ones?—A. We take some big ones; but not in any great quantity.

Q. Your boats are not intended, I suppose, to go very far from shore?—A. They are open boats.

Q. Your custom is to come in every night?—A. Yes.

Q. You are out a few hours, and then you come in and do farm work?—A. In the spring we do our work on the farm, and then we turn to and fish.

Q. Your most profitable way of doing business along the coast is to farm and fish?—A. Yes.

Q. When the Americans were there and fished within a mile of the shore they did not have seines, did they?—A. They did not seine on our shore. It is rough and rocky. It would not do to use seines there.

Q. Unless they do as you do?—A. We use nets.

Q. The mackerel begin to grow larger and fatter during the latter part of the summer—say in September?—A. This is the case about August.

Q. And they are better still in October?—A. Yes.

Q. And don't you know that it is the custom of American vessels to follow the mackerel down to the American coast, and catch them in November?—A. I do not know, I am sure.

Q. Then you don't undertake to say that, taking the whole season around, on their own coast and here, the Americans do not catch a great number of the largest, best, and fattest fish?—A. They themselves told me that they would rather have the mackerel about our way than what

they catch at home, a good deal, because ours are better than theirs. I understand that they make about two trips a season to the bay. They themselves told me so.

Q. You say that you don't know anything about the November mackerel fishing?—A. No.

Q. Do you complain a little about the Americans throwing offal overboard from their vessels?—A. Yes; I have only got an idea of that.

Q. You don't complain of it yourself?—A. Not altogether.

Q. That is what you have been told by others?—A. Yes; and I have seen a little of it myself. I would not swear to it exactly.

Q. You have heard a good deal said about it lately?—A. Yes; and I have myself seen something of it.

Q. Besides what you have seen, and that is not much?—A. I have seen a good deal of it.

Q. You said you had seen but a few cases of it?—A. I have been fishing alongside of them when they have thrown it overboard. Previously we would be catching a good many fish, but immediately after the offal was thrown overboard we would not catch any more. The cod amuse themselves by picking up what is thrown overboard.

Q. You are speaking of cod?—A. Yes; I have done so all the time.

Q. You do not speak with reference to what they did regarding mackerel?—A. I could not tell you about that. I allude to cod-fishing.

Q. What motives have the Americans to spoil their own fishing-grounds, if the throwing overboard of offal drives away the fish?—A. They have to dress the mackerel; they cannot go on shore to do it; and then they heave the offal overboard. They do not stay long in one place, but they go to other places when that is done.

Q. The Americans, while catching a good many cod, would not be likely to throw offal overboard and drive the cod away?—A. They do so in our neighborhood; and when they heave the offal overboard we catch no more fish at that place.

Q. Do the Americans then catch any more?—A. I have not seen the Americans catching cod.

Q. Are they able to catch fish afterwards, the same as if this had not been done?—A. No; I do not think so.

Q. Why should they do it?—A. They are obliged to do it.

Q. In catching cod this is not the case?—A. I have not seen them catching cod.

Q. The cod-fishers are not at once obliged to throw the offal overboard?—A. They are obliged to do so sometimes.

Q. They may keep offal on board for 24 or 48 hours?—A. I have not seen the Americans catching cod.

Q. Never?—A. No.

Q. Did you say that they throw offal overboard in these places?—A. Yes.

Q. Cod offal?—A. No, mackerel offal.

Q. Then this is all you have seen them throw overboard?—A. Yes.

Q. It is not cod offal?—A. No.

Q. This goes back a long time ago?—A. O, yes.

Q. Have you seen any thrown overboard during the last ten years?—A. No.

By Mr. Doutre:

Q. You say that you have not seen this done for the last ten years?—A. No.

Q. Have they discontinued the practice?—A. I do not suppose that they have.

Q. Did you see them discontinue it?—A. No.

Q. You have only had no occasion to see them doing so?—A. I have not seen them throwing it overboard lately.

Q. Have you heard that they were doing it lately?—A. I have not.

Q. When you have spoken of the fishing-grounds as being either abundant or as having no fish on them, you have always alluded to those in your own locality?—A. Yes.

Q. You did not refer in this regard to Prince Edward Island or the Bay of Chaleurs fishing-grounds, but merely to those in your own neighborhood?—A. That is all, sir.

No. 10.

GREGOIRE GRENIER, 49 years of age, fish trader, residing at Newport, in the county of Gaspe, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. Is Newport on the coast?—Answer. Yes.

Q. How long have you lived there?—A. I was born there.

Q. Are you acquainted with the character of the fishing in your neighborhood?—A. Yes.

Q. Mention the places with which you are acquainted.—A. I am acquainted of course with our own fishing-grounds. I have seen American vessels come and fish there; I am acquainted with the cod-fishery.

Q. When is the cod taken?—A. We take them from the 1st of June to the 25th of May, and to the last of the season in the fall.

Q. Where do you go for cod?—A. We catch them at from about half a mile to a mile and a half from the coast, and sometimes twenty-one miles off.

Q. That is towards the other side of the bay?—A. Yes.

Q. When you get as far as 21 miles from your residence, how far are you from the shore?—A. This is on Miscou Bank; and then we are sometimes about ten miles from the first shore.

Q. Where have you been in the habit of taking the largest quantities of cod?—A. We used to catch a good many in the spring on our shore, and on the Bank too sometimes, but not often.

Q. How far from your shore?—A. From half a mile to a mile and a half.

Q. Have you made a business of it?—A. I have myself fished for fifteen years.

Q. Were you doing that exclusively, or had you other occupations?—A. I used to fish all the time.

Q. From morning until night?—A. Yes.

Q. For cod?—A. Yes.

Q. In what kind of boats?—A. In open boats.

Q. What quantity used you to catch during the season?—A. From 100 to 120 quintals of dry fish.

Q. What proportion of this quantity did you take on your own shore, and what proportion on Miscou Bank?—A. We took two-thirds on our own shore.

Q. And one-third on the Bank?—A. Yes.

Q. When you speak of your own shore, you mean along the shore?—A. Yes; from a mile to a mile and a half from it.

Q. Not over two miles from it?—A. No.

Q. You have not fished for mackerel?—A. Yes; but only for bait. I may say I have seen others fish for them.

Q. Have you seen the Americans fishing?—A. Yes; just inside on the point. I may say, at a distance of twenty-five yards from the point.

Q. Fishing for mackerel?—A. Yes. They were so close that they had to haul their anchors and be off. They were too close.

Q. How many have you seen fishing there during the fishing season, from spring to fall?—A. Our place is not exactly the best place for fishing there is; but I have seen more than 100 there, and more than 20 at a time coming to anchor in front of our place.

Q. And during the fishing season you have seen about 100 there?—A. I have seen over 100.

Q. What is the tonnage of those you have seen?—A. I would judge that they were from 60 to 60-odd tons.

Q. How many men were on board?—A. From 12 to 15. They have often told me that this was the number.

Q. For a few years past—perhaps for more than two years—the mackerel have been scarce?—A. There were not many of them about three years ago.

Q. When did you last see the Americans fishing for mackerel?—A. This was about seven years ago.

Q. You have not seen them fishing since?—A. We see some of them.

Q. But not in the same number as previously?—A. No.

Q. On what extent of shore have you seen the one hundred vessels and over, of which you have spoken?—A. The most of them were a good deal inside the three-mile limit.

Q. But I mean along the shore?—A. I have seen some near the island; some at Paspebiac, and some as far away as Pabos; but not often. This was only when I used to pass there. I only speak of what I saw on our shore. I saw many along the shore.

Q. For how many miles along the shore have you seen them fishing?—A. For about 6 or 7 miles, I should say.

Q. How far do you live from Gaspé Bay?—A. About 80 miles.

Q. Do you live above or below it?—A. Above. We are just on the edge of the county. I live near Point Maquereau.

Q. Is Gaspé Bay above or below?—A. Below—down the St. Lawrence.

Q. Do you live on the Bay of Chaleurs?—A. No; we are on the edge of it.

Q. Then you live below Gaspé Bay?—A. We always speak of going up to the Bay of Chaleurs.

By Hon. Mr. Kellogg:

Q. What is Newport?—A. A village.

By Mr. Doutre:

Q. Then you live at the mouth of the Bay of Chaleurs?—A. Yes.

Q. When did you last see the Americans fishing?—A. About seven years ago.

Q. You say you have seen some of them fishing since, but not a great number?—A. No; I have not seen many of them during the past three years.

Q. But you have seen some of them during this period?—A. Yes; now and then.

Q. Have you any idea of the number of barrels of mackerel that they would take during the fishing-season, from spring to fall?—A. I would

say that the vessels which came to our place would carry from 400 to 450 barrels each.

Q. Would that be for one trip or for the whole season?—A. It would be for one voyage.

Q. Do you know whether they make more than one voyage during a season?—A. Some of them have told us that they made two trips a year.

Q. Could you state what is the average catch of the American vessels during the fishing-season?—A. To the best of my judgment they used to take from 500 to 600 barrels.

Q. Have you any idea as to the number of barrels which it would take to pay expenses?—A. I have heard, but I am unable to give a personal opinion on this point.

Q. Did you hear what the catch was some ten years ago?—A. I heard it lately, and about six or seven years ago.

Q. And did what you heard lately agree with what you heard six or seven years ago?—A. Yes; I heard it from those who were on board the schooners, and who had sold their shares of the mackerel.

Q. How many barrels would it require to pay the expenses of the fishing-season?—A. All schooners will not catch the same quantity of fish, and one captain may hire men at less rates than others.

Q. Some men work on wages and others on shares?—A. Yes; those on shares get half the fish; and they have to pay the cook.

Q. Who pay the cook?—A. The men. The expenses would cost from \$6 to \$7 a month.

Q. Would that be for the cook?—A. No, for each man.

Q. Would it not be more than that?—A. No; because they are fed.

Q. When they have ended the season, how many barrels of mackerel do you think it would require to pay expenses, not the wages of the men, but the expenses connected with everything that has been eaten and drunk and consumed on board of the vessel during the season?—A. I may say that it would take about 120 barrels.

Q. And that information you have received from the Americans?—A. Yes.

Q. Then the remainder of the fare is clear profit, to be divided between the owner and the crew?—A. Yes.

Q. When you speak of expenses, you include everything that is used?—A. Yes.

Q. These include the shipping of barrels and bait, and everything?—A. They include all expenses.

Q. Are there any herring and cod in your locality?—A. There are some, of course, in the spring, and then again in the fall; but there are not many to be got in that quarter. There are plenty in the spring, but they are poor herring.

Q. You catch them for bait?—A. That is all.

Q. Before you left the place where you live, did you know whether the mackerel were coming up this year?—A. They were then just beginning to catch a few mackerel.

Q. When you left?—A. Yes.

Q. What were the reports?—A. That there were a good many near the Magdalen Islands.

Q. Do the Americans, when fishing, use hand lines or seines?—A. Most of them fish with lines; but I have seen them use purse seines. They were seining close to the shore at our place.

Q. Is this mode of fishing injurious or beneficial?—A. They take all kinds of fish in these seines.

Q. What do they do with them?—A. They only keep what they want, and throw the rest away.

Q. Does what is thrown away constitute a large proportion of what is thus caught?—A. Of course; I am sure of it.

Q. Do you think that you could give the percentage of what is useless to them in the catch of a seine? Is it a tenth part?—A. I have seen them seining for mackerel, but I never saw the mackerel in the seine.

Q. Have you seen what was thrown away?—A. I have seen them working the seines, but I have not been alongside to see what was done.

Q. When the Americans are curing fish on board their vessels, what do they do with the entrails, or offal?—A. They throw it overboard, and this is what spoils the codfishing, because at the place where they have thrown this overboard you need not try to catch cod for a long spell. I have proved that myself.

Q. You have tried it?—A. When I was a fisherman I used to spit beside the boat, and where I spat I could not catch fish, and I would then have to move to another place.

Q. Can you explain why you had to move?—A. I would say that fish eat too much of what is thrown overboard, and that they are not able to take any more bait afterwards more than that. I think that this makes the water in the vicinity impure.

Q. They would not take bait till they had digested all this offal?—A. They would not do so for a long spell.

Q. Then you have made experiments in this relation?—A. Yes; I would throw some in the water and that moment we had to move from that place. No more fish were to be caught there.

Q. Have you seen American, or even Canadian, vessels fishing for mackerel beyond three miles from the coast?—A. I have seen some fishing on the bank.

Q. On Miscou Bank?—A. Yes; between Miscou Island and Point Maquerean. The majority of the vessels, however, fished inside of three miles from the shore.

Q. If you were called upon to state what proportion of the whole catch of the American vessels was taken within the three miles of the shore, and what proportion outside of this limit, what would be your answer?—A. I think that more than two-thirds of the catch has been taken inside the three-mile limit.

Q. Within three miles?—A. Yes.

Q. Did you ever fish on the Bay of Chaleurs?—A. No; never.

Q. Have you seen American vessels come amongst Canadian fishermen when the latter were engaged in fishing?—A. Yes; many times. Many American vessels have come alongside of the shore and thrown out bait, and taken the mackerel away, and after a spell none of our fishermen could catch any. A week after the Americans began to work in our waters there would be no chance for our fishermen. The latter could not take any bait in order to catch cod. Our fishing was thus ruined.

Q. They could not even take bait?—A. No. We never fish much for mackerel, but we used to catch mackerel in order to take codfish.

Q. Codfishing is your own line of business?—A. Yes.

Q. And the Americans prevented you getting bait?—A. Yes; because they used to take the mackerel away.

Q. Were you fishing on your own account?—A. Yes.

Q. Then, when the Americans had thus enticed the mackerel away

did they fish with hand lines or with seines?—A. With hand lines; they would come to broadside and heave to, and fish with hand lines.

Q. Did they fish with these lines from the decks of their vessels or from small boats?—A. When a little off the shore they would fish from on board their vessels, but when close to the shore they would fish in dories, or small boats, here and there along the shore.

Q. Some on board the vessels and others in dories?—A. They would fish inside the coves with small boats, and about half a mile from the shore in their schooners.

Q. Have you seen the Americans use purse seines?—A. Yes; twice I saw them throw the seines, but I am not able to say how many mackerel they caught, but I know that they caught mackerel, because the boats used to take them from the seine to the schooner.

Q. Is not the purse seine drawn on board the schooner?—A. No; but from two small boats.

Q. Where do they empty these boats?—A. They bring their fish in the boats on board of the vessel.

Q. Can these small boats hold much fish?—A. O, yes; some of them can carry from ten to fifteen barrels.

Q. Is it to your knowledge that the Americans have either purchased or fished for bait in your neighborhood?—A. Once I saw a schooner come on shore and buy some herring.

Q. Did they buy a large quantity?—A. No; only a barrel.

Q. You only saw one schooner buy it?—A. Yes; only one.

Q. Is the cod-fishing on the increase or decrease?—A. It is a good deal on the increase; it has doubled within the past two years.

Q. How do you explain that?—A. It is because the fishermen can get mackerel for bait now.

Q. Is this due to the fact that the Americans have not been there?—A. Exactly; two years ago only a few of them were there, and that is the reason why.

Q. Do you know any other reason explaining it?—A. I know nothing except that. During the best part of the season, previously, our fishermen could often not get bait.

Q. And then they got bait and the catch of cod increased in quantity?—A. Previously there were plenty of small fish, but not of big fish; the latter were all taken away. Since then, however, we have taken big fish, and more of them during these two years than we did during the previous twenty years.

Q. Without our bait I suppose it is no use for the Americans to fish?—A. No.

Q. Not without bait?—A. No.

Q. Suppose the bait of an American vessel were exhausted—if under such circumstances they could not buy it on our shores, they would have to go home for it?—A. Yes; if they have no bait they cannot catch fish.

Q. Do you consider that it is an advantage for them to be able to buy bait in our waters?—A. Yes.

Q. Do you think that an American vessel could take from 250 to 300 barrels of mackerel, and have time during the season to go home and return for a second fare, if they could not tranship one cargo?—A. Many vessels used to tranship—not exactly at home, but into some other vessel which was returning.

Q. Do you think that they would have time to go to Boston or Gloucester and return for a second cargo except in good weather?—A. They might early in the season.

Q. In good weather?—A. Yes.

Q. Did you ever hear of Canadians going to fish in American waters?—A. No.

Q. Have you seen Americans fishing for halibut?—A. No.

Q. Judging from your experience and the conversation you have had during the last twenty-five and thirty-five years with the people who have fished and come here on board of American vessels, do you think that it would be profitable for the Americans to come into the Bay of the Saint Lawrence, or into any part of it to fish, if they were prevented fishing within three miles of the shore, save say near the Magdalen Islands and Labrador coast?—A. They would not come under such circumstances.

Q. They would not?—A. No; because it would not be profitable for them to do so.

By Mr. Foster:

Q. Did I understand you to say, you thought it would take 120 barrels of mackerel to pay the expenses of a trip?—A. Yes.

Q. And that is before there would be anything to divide for the wages of the men, or the owners of the vessel, is it not?—A. I meant to say that it would take 120 barrels to pay all expenses.

Q. And that does not include the pay of the crew for their time?—A. Yes.

Q. Paying them how much? The crew are paid by shares, are they not?—A. By shares or wages.

Q. Then you include the wages for the crew in the 120 barrels?—A. Of course.

Q. You think that 120 barrels of mackerel would pay all expenses?—A. It would pay all except the owner; the crew has nothing to do with the captain. The owner has his own share besides. I understand that the crew get one-half, and the owner one-half, of the catch.

Q. Do you mean that the wages paid the crew would be found by means of these 120 barrels?—A. Yes; because I have heard from them that they were paid.

Q. It would include their pay?—A. They are paid by the month or by shares.

Q. When you say that 120 barrels are sufficient to pay the expenses, do you suppose the men are paid by shares or by the month?—A. It makes no difference. From what I hear the men used to be paid \$12 a month. If they worked on shares, of course some years they would catch more and other years less.

Q. Suppose that the crew were not paid by wages at all but had a share in the catch, how many barrels of mackerel would there have to be caught to pay expenses, and before there would be anything to be divided between the owners and captain, and crew?—A. It would be difficult to say.

Q. Why harder than in the other instance?—A. Of course, I could tell from what I have heard concerning the prices of one or two years; but perhaps after two or three years the price might fall.

Q. Take the same condition of things as those under which you made the estimate of 120 barrels and tell us how many barrels, under these circumstances, would pay the cost, excepting the wages of the crew?—A. Is that for the whole vessel or only for the crew?

Q. We are talking about the expences of the voyage, and you said that 120 barrels would pay them?—A. I meant the crew.

Q. But, excepting the time of the crew, how many barrels would pay

the expenses of the voyage?—A. I think that 120 barrels would certainly pay the expenses of the voyage.

Q. Does that include the wages of the crew or not?—A. I mean for the voyage.

By Mr. Doutre:

Q. Mr. Foster wishes to know whether your estimate includes the expenses of the season?—A. It includes the cost of the voyage.

Q. Does it cover the share or the wages of the crew?—A. It covers the wages of the employés.

Q. Then the remainder is clear profit for the owner of the vessel?—A. Yes, sir.

Q. Suppose that the crew were engaged on shares, how many barrels would be necessary to pay the expenses apart from the division of the fish between the crew and the owner?—A. I mean all the expenses; I include the wages in the estimate.

By Hon. Mr. Kellogg:

Q. Suppose that the crew were hired with wages of \$20 or \$15 each, do you mean to say that 120 barrels would pay all expenses?—A. Yes; only I calculated the wages at \$12 a month.

By Mr. Doutre:

Q. Suppose the crew worked on shares, to be well remunerated if fish are abundant and less so if the case be otherwise, then how much prior to the division of the catch between them and the proprietor would be necessary to pay all expenses?—A. I think that the expenses for the season would be at least about one-third.

Q. Of what?—A. Of the results.

By Mr. Foster:

Q. I understood you to say that the boats would catch from 100 to 120 quintals in the season?—A. Yes; of dried fish.

Q. How many nets would each use?—A. Two.

Q. And for how many days would you fish?—A. God knows; we sometimes only fish half the time.

Q. How long is the average?—A. Perhaps half the season, or about two and a half months.

Q. How many days would that be; 65, if you did not fish on Sunday?—A. Yes; I think so.

Q. Would you catch from 100 to 120 quintals in 65 days?—A. Yes; and I have seen them catch more than that.

Q. Do you think that this estimate is a fair average?—A. Yes.

No. 11.

WILLIAM MCLEOD, farmer, formerly seaman and fisherman, Port Daniel, district of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. Where do you live?—Answer. I live in Gaspé, Canada.

Q. How long have you lived there?—A. Forty years or more.

Q. How old are you?—A. Sixty-three years this month.

Q. You live on Gaspé Bay?—A. I live in the district of Gaspé, in the county of Bonaventure.

Q. How far from Gaspé?—A. Sixty miles or more west. At Port Daniel.

- Q. You live on Bay Chaleurs?—A. Yes.  
Q. Port Daniel is on the north side of Bay Chaleurs?—A. Yes.  
Q. Bonaventure belongs to the district of Gaspé?—A. Yes; there are two counties in that district, Bonaventure and Gaspé Counties.  
Q. The two counties make the district of Gaspé?—A. Yes.  
Q. Have you been acquainted with the fishing there as long as you recollect?—A. I have been acquainted with the fishing there forty years.  
Q. That would make you twenty-three years when your attention was first directed to fishing?—A. About that age.  
Q. Did you go into the business yourself at that time?—A. I went into business for another person at that time.  
Q. In what capacity?—A. As an assistant in trading—purchasing fish along the shores.  
Q. Do you mean buying up the fish?—A. Yes.  
Q. From those who caught them?—A. From those who caught and cured them.  
Q. You bought cured fish?—A. Yes.  
Q. Would that be along the whole of Bay Chaleurs?—A. Along Bay Chaleurs and Gaspé also.  
Q. You traveled the whole coast round?—A. We sailed all the coast round in a vessel.  
Q. How long were you engaged in that work?—A. Four months that season.  
Q. At what time of the year did you commence?—A. Some time about the last of July or first of August.  
Q. Do you remember what year it was?—A. I think it would be in 1836.  
Q. During that year did you notice whether the Americans were fishing?—A. I saw a few Americans in Bay Chaleurs at that time, maybe half a dozen.  
Q. Did you along the coast towards Gaspé notice any fishing going on?—A. I did not notice any Americans fishing going along there at that time.  
Q. At that time how was the Canadian fishing done?—A. It was chiefly codfishing; some mackerel were caught by the inhabitants generally—men, women, and children.  
Q. Were the mackerel caught for exportation or mainly for home use?—A. Not for exportation to any foreign country, but chiefly for Quebec.  
Q. Were they caught in large numbers in those days?—A. Not in very large quantities, because they were not prepared to cure large quantities; but there was an abundance of fish.  
Q. The codfishing was chiefly prosecuted at that time?—A. Codfishing was the chief business of the fishermen at that time.  
Q. Was the codfishing done chiefly by the Jersey firms located on Gaspé and Bay Chaleurs?—A. The majority of the fish were cured by the Jersey firms, yet a large portion was sent to Halifax, West Indies, and Quebec.  
Q. After that, what was the next employment you had in connection with fishing?—A. In the following year I fished for cod.  
Q. On your own account or for some other person?—A. I engaged with employers, but I was to have the fish I caught, they curing them.  
Q. Was that in a Canadian schooner?—A. No; in a boat.  
Q. Was that off Port Daniel?—A. Off Pabos, in the county of Gaspé, about 5 miles below the county line.  
Q. Off Grand Pabos?—A. Yes.

Q. That is right out in the gulf?—A. Yes; just outside the county line.

Q. Did you fish altogether that year?—A. Up to the latter part of August.

Q. In codfishing altogether?—A. Yes.

Q. Do you recollect what your catch was that year?—A. I cannot tell you the quantity of fish taken, but I remember the amount of money I received.

Q. What was it?—A. About £10.

Q. At what time did you commence to fish?—A. At the latter part of May or first of June.

Q. You were employed for two months or more, and you received that amount?—A. Yes; that is exclusive of my fit-out.

Q. That was over and above all expenses?—A. Yes.

Q. Why did you not continue fishing later than August?—A. Because I had an engagement elsewhere which paid me better.

Q. During that time did you take mackerel?—A. Only for bait.

Q. Were there plenty of mackerel?—A. Plenty for bait.

Q. If you had been prosecuting mackerel fishing would you have found plenty of fish?—A. Yes; if disposed to fish for mackerel, there were plenty of fish.

Q. The mackerel trade had not sprung up to such large dimensions at that time?—A. I know of no mackerel being then sent except to Quebec, where the price was very low.

Q. What was the price?—A. \$4 or \$5 per barrel.

Q. The trade with the United States had not then sprung up?—A. No.

Q. Will you tell the Commission, as far as you are aware, how the mackerel come into the bay, where they come from, and how they strike the shores?—A. The mackerel, up to the last two or three years, have made annual visits to the bay and the Gulf of St. Lawrence, about the last of June or 1st of July. They have come in very large schools. They make generally for the head of the bay for the purpose, as our fishermen say, and as I believe, of spawning.

Q. That is at the gulf?—A. At the head of Gaspé Bay, likewise on the north shore of Seven Islands and up Bay Chaleurs right into tide-water, into fresh water; and up the south shore of the St. Lawrence to Matane.

Q. Are those the spawning grounds?—A. They are supposed to be the spawning grounds, and I believe such is the case.

Q. How far up the St. Lawrence?—A. Pretty nearly to Bic.

Q. Does your observation lead you to believe that these are the spawning grounds for mackerel?—A. I do believe so, for I have seen, what were said to be fry, coming off the sand.

Q. In all those places?—A. Yes.

Q. When the mackerel come into the bay where do they first strike?—A. As nearly as my observation would lead me to judge, they come right into the channel from deep water or from the Grand Banks perhaps. I don't know that such is the case, but I believe they come from the Banks, which naturally would be their feeding grounds. They come straight in like all other fish which make for spawning grounds; nature directs them.

Q. Are you aware whether they strike Prince Edward Island and work north?—A. I am not aware; I believe the schools of fish visit their own grounds from year to year.

Q. Do they spawn on Prince Edward Island shores?—A. I am not aware that they do; I cannot say.

Q. Do they strike the island first and then go straight north?—A. I believe a portion do, but I don't believe the same schools do that as go up the gulf. I believe the fish that go up the south side of the gulf come from Richibucto and in that direction.

Q. They are different schools, you think?—A. Yes.

Q. Is the mackerel-fishing at Gaspé Bay better than the mackerel-fishing at Prince Edward Island?—A. I am not aware; I am not so well posted up in regard to Prince Edward Island; I have caught fish there in the latter part of June.

Q. Is that earlier than the fish generally visit Gaspé Bay?—A. I have caught fish coasting outside, not close in.

Q. What fish first visit your coast in spring?—A. The fish we find on our coast in spring are herring.

Q. What time do they come?—A. It depends upon what time the ice breaks up. I believe they come under the ice frequently; we find them frequently there in May.

Q. As soon as the ice leaves the coast?—A. I have seen them taken through ice-holes.

Q. Do they stop under the ice all winter?—A. No; they come in under the ice.

Q. After them comes cod?—A. Yes.

Q. How soon after herring?—A. We sometimes catch cod there about the first week in June, not in abundance, but between that and July the heavy schools come.

Q. Do they catch cod as a rule within three miles of the shore, or in deep water beyond?—A. In our bay, the fishing is all within three miles of the shore, particularly in spring. In spring for three or four weeks, the fish are close inshore because the bait is there.

Q. As soon as the season advances, do they go out into the bay?—A. As the season advances the bait-fish commence to move off into deeper water, and then they sometimes run with another kind of bait. There are different sorts of bait which visit our shores.

Q. Do the codfish move out?—A. They move out also.

Q. At what time do they begin moving out?—A. At the latter part of July, sometimes in August; sometimes it will be as late as August.

Q. At what time do the mackerel move out?—A. I have yet to learn that; not till late in October.

Q. Do they remain there all the fishing-season?—A. Yes.

Q. What do mackerel usually feed on?—A. Lants, shrimp, another similar bait which we call brit. It is generally supposed that it is attached to the bottom; it is a marine insect, and when there is an unusual sea disturbing the water where they lie, they float to the surface.

Q. The heavy sea disturbs them at the bottom?—A. Yes; on a shoal bottom, and they are seen floating.

Q. Do the mackerel feed on them at the bottom?—A. They must feed on them at the bottom, because I have often caught mackerel which have been at the bottom, and their entrails have been filled with this kind of bait. I believe they will fatten on that better than on any other food, because they have not to chase after it.

Q. On all the grounds you have spoken of you have seen mackerel fry?—A. I have seen mackerel fry at the head of Bay Chaleurs, at Herring Island, at Maria, Seven Islands, and at Madeleine.

Q. Have you seen mackerel fry in Gaspé Bay?—A. I have not seen them there, but I have been told there is a large amount occasionally.

Q. You have not had occasion to look there for them?—A. No.

Q. Where do the cod spawn?—A. There are several distinct schools of cod in a season.

Q. Do you mean distinct species?—A. No; distinct schools.

Q. Do you mean there are many separate schools?—A. I mean that the schools keep separate, and they come at different seasons, and can only be caught with the bait of the season. You may procure any amount of bait out of season—that is to say, bait which is not for that distinct school of fish, and you cannot get them in abundance, not in quantities sufficient to pay.

Q. Do the schools come at different times, one after the other?—A. Yes.

Q. Would two distinct schools be inshore at the same time?—A. Not that I am aware of; they either go off or move out.

Q. You never saw two schools in the same water at the same time?—A. No.

Q. How often have you to change your bait for cod during the season?—

A. The fishermen know from the bait itself; when the fish strike inshore the fishermen know what kind of bait is required. First there is capling. Formerly the greatest portion of the catch was taken with capling. Then those who can procure them, use clam.

Q. Do I understand that before you commence using clam, capling will have left the shore?—A. Yes.

Q. How many days will capling generally remain?—A. In one place it might remain a fortnight, and extend itself along the shore from one end of a county to the other; it might remain one month.

Q. Take any particular place, how long would capling remain there?—A. About a fortnight.

Q. They replace them with clams?—A. That is when they can be procured.

Q. Does any other fish come in and replace capling?—A. Herring is next.

Q. You can take cod with herring?—A. Yes; but after capling leaves the ground-clams would be the next resource, where they could be procured, and we would send 40 or 50 miles to procure them.

Q. Why do you not use herrings instead of clams?—A. Because the fish would not bite them as well.

Q. After clams what do you next use for bait?—A. Herring.

Q. After the clam bait is exhausted, do cod take herring as well?—A. They take herring more readily than any other fish after that; fishermen can work with them better than with clam, because it is tough.

Q. Is it another school of fish which take herring instead of clam?—A. Yes; that is my experience. The reason why I state so is because I have tried fishing with clam and herring on the schools.

Q. At one time clam would answer and herring would not?—A. Yes.

Q. And at another time herring would answer and clam would not?—A. Certainly.

Q. Did you notice any difference in the characteristics of the fish?—

A. Yes; the fish which take herring are heavier and fatter than the fish which take clam, in proportion to their size. They are not, perhaps, very much larger, but they are firmer and fatter and much better fish.

Q. Otherwise they are the same fish?—A. Yes.

Q. What do you use after herring?—A. Mackerel.

Q. Are they other schools of cod?—A. They are other schools. There

is what fisherman call a mackerel school. The codfish are coming after the mackerel.

Q. Then you take young mackerel for bait?—A. We take mackerel of any size we can get hold of about that time.

Q. And they last the season out?—A. No; we next use squid. They are next to mackerel and the best.

Q. About what time do squid make their appearance?—A. About 1st August.

Q. Do you find them in large quantities?—A. In vast quantities at times. I have seen them driven on shore in abundance and many barrels taken at different times.

Q. How do you catch them?—A. With a jig. It is made of a piece of lead fitted with a number of hooks at the bottom, with a short line and a piece of rag attached; each man uses one on each side of the boat. All they have to do is to keep hauling and they pull up numbers at a time. I have known men take 300 in the course of two hours.

Q. They don't bite?—A. I believe they bite the rag, but they are supplied with a number of feelers, and when they touch anything they stick to it.

Q. That makes the best bait of all?—A. That makes the best bait for codfish I know, except capling.

Q. What is the bait next used?—A. When they cannot procure squid they seine for smelt, which remains all winter. They get smelt whenever they can get a seine in the water.

Q. How do they answer for bait?—A. They are poor bait.

Q. At what time are you obliged to take smelt?—A. In September and November.

Q. There is not much mackerel fished in November?—A. I saw none after November.

Q. Have you ever seen any caught as late as that?—A. I don't think I have.

Q. Witnesses have spoken about mackerel-fishing ending toward the middle of October?—A. The middle of October and last of October. I have caught them myself on 20th October in our bay.

Q. After you had fished that season inshore, what was your next employment in connection with fishing?—A. I then removed to Port Daniel and fished again for myself.

Q. Cod or mackerel?—A. Cod.

Q. Where did you fish?—A. In Port Daniel and about the mouth of Bay of Chaleurs.

Q. You fished in boats, I presume?—A. Yes; in a small boat inshore.

Q. Did you fish the whole season?—A. The whole season.

Q. How many boats?—A. Only one boat.

Q. How many men besides yourself were in the boat?—A. One man.

Q. How did you catch your fish?—A. With lines and hooks.

Q. When did you land?—A. We landed every day.

Q. At the end of each day?—A. Sometimes we did not fish over two or three hours, sometimes a whole day, according to the fish we took. There are days when fish are plenty, but they will not bite.

Q. If the fish were plentiful, how long would it take to fill the boat?—A. It would take two fishermen four hours to fill one of our moderate-sized fishing-boats, with 5, 6, 7, or 8 quintals.

Q. Would you wait to fill your boat before you went to shore?—A. We would if the fish were in sufficient quantities.

Q. Did you catch the cod within the three-mile limit, or out in the bay, offshore?—A. Within the three-mile limit.

Q. Then you landed and dried them?—A. Yes.

Q. That continued all the season?—A. Yes.

Q. What would be the catch per season?—A. About 80 quintals.

Q. What was the price at that time?—A. \$1.

Q. To whom would you sell them?—A. To the Jersey establishments.

Q. Would you take them there?—A. When properly dried, sometimes we would do so. When we make an arrangement with one of the Jersey establishments for them to take the fish when cured, they will collect the fish when they are in merchantable order.

Q. Where had the Jerseymen their establishments at that time?—A. At Paspebiac and Perce.

Q. At the north side of the Bay Chaleurs, in the county of Bonaventure?—A. Yes.

Q. Where else?—A. At Gaspé and Grande River.

Q. How did they collect the fish?—A. They have shallops or small schooners for the purpose of collecting fish. They send and collect the fish when cured, and afterward classify the fish according to qualities.

Q. You say there was one man with you in the boat; would you require another man on shore for the purpose of cleaning and drying the fish?—A. We did not in that case, because the family I resided with cured the fish.

Q. If such had not been the case, would you have required another man?—A. Yes.

Q. You require drying stages?—A. Yes; salting stages and forms to dry them on.

Q. Do these Jersey firms encourage mackerel-fishing?—A. They have not done so up to this time.

Q. Don't they discourage it?—A. They do.

Q. Their employés are chiefly French?—A. They are chiefly French; a majority of them are so, but there are a great number of other nationalities.

Q. The great body are French?—A. The great body of them are French Canadians.

Q. And they want entirely the cod business to be attended to?—A. That is their business.

Q. They have a monopoly of it?—A. They have sometimes purchased a few quintals of No. 1 mackerel to ship to Jersey for their own use.

Q. They have a very large trade with the Mediterranean?—A. Yes; with the Mediterranean and the Brazils.

Q. Is the trade a monopoly?—A. Yes; almost exclusively a monopoly.

Q. What did you do next year?—A. Next year I was engaged in clearing up a piece of land for myself, and doing a little fishing.

Q. Pass to some year in which you were exclusively engaged in fishing?—A. In 1851 I engaged on board an American schooner.

Q. What was her name?—A. The Ida, of Gloucester.

Q. Who was her commander?—A. Charles Maston.

Q. What were the terms on which you shipped?—A. I was to have half of the fish I caught.

Q. Did you engage at Port Daniel?—A. Yes; I did not go to Gloucester.

Q. Explain what is the practice when men ship on terms of receiving half their own catch; have they each separate barrels?—A. Each man marks his own barrels as he fills and packs them. If his catch is ten barrels he gets five barrels as his own, and has to pay for packages and

bait out of that. There is always some deduction made when he receives pay for the fish.

Q. The object is to cause each man to be interested in the catch?—A. Yes. There are, however, instances in which men have been hired. If a master can make a good bargain with a very experienced pilot he will engage him at so much and take his catch himself.

Q. He does not get the benefit of any person's catch except his own?—A. No.

Q. Where did you fish when on board the Ida?—A. We fished principally in Bay Chaleurs.

Q. At what time did you commence fishing?—A. Some time in August.

Q. Is not that late?—A. It is not late. A great number of vessels only come into the bay at that season to make up full catches.

Q. When you went on board had they caught any?—A. About twenty barrels.

Q. Where had they been fishing?—A. The first fish they caught was over at Bonaventure Island.

Q. Did they fish for the rest of the season in Bay Chaleurs?—A. They fished up to about October 1, in Bay Chaleurs.

Q. In the middle of the bay or inshore?—A. Chiefly inshore.

Q. How far from the middle of the channel?—A. Sometimes a quarter of a mile and sometimes a mile from shore.

Q. Did you ever get beyond the three-mile limits?—A. We might sometimes have caught a very few outside three miles. The fish at that particular season are inshore.

Q. Did you go round the bay as far as Restigouche?—A. As far as Herring Island.

Q. Did you come down the south shore?—A. Yes, by Bonaventure and Maria.

Q. Is the fishing better at the mouths of the rivers which run into the bay on the south shore?—A. The mouth of Nipisquit River, which empties into Bathurst harbor, is the best fishing-ground on Bay Chaleurs.

Q. That is the best fishing-ground on the south shore?—A. That is what I found best.

Q. How far from the shore?—A. From one mile to one mile and a quarter.

Q. Outside?—A. Yes.

Q. You are acquainted with Bay Chaleurs; is there any really good mackerel or cod-fishing four or five miles from land; say in the center of the bay for instance?—A. At certain seasons cod-fishing is best in the center of the bay.

Q. What season of the year do you mean?—A. I should say October, perhaps some time early in November.

Q. Can you keep on cod-fishing until the ice makes?—A. So long as you can keep out in the stormy weather.

Q. What about mackerel?—A. Mackerel at that season are about moving southward.

Q. Is there any season at which the mackerel are caught in the center of the bay more than three miles from land?—A. The heaviest fishing I ever knew caught in the bay was in the center of the bay, but it was only once. It was exceptional.

Q. Do you remember what year that was?—A. It was the first year of the Reciprocity Treaty—1854.

Q. You know it was an immense catch?—A. Yes.

Q. Was it taken by any vessel in which you were concerned?—A. I had nothing to do with it.

Q. Was it taken by an American vessel?—A. Yes.

Q. How taken?—A. By hand-lines.

Q. Did you ever know an instance of such an occurrence before or since?—A. I have known that they have taken fish occasionally, but not in such abundance—not in such heavy draught.

Q. When fishing in the bay in 1851, did you try outshore fishing?—A. We did.

Q. Did you succeed in catching anything?—A. Very little; we never could catch more than half a barrel at one time.

Q. You then come inshore again?—A. Yes.

Q. You worked round the north side of the bay, down the south side; and where else?—A. We had succeeded in filling the vessel before we left the bay.

Q. How many barrels?—A. About 280 barrels.

Q. What was the tonnage of the vessel?—A. Sixty-five tons.

Q. Was that a full fare?—A. Yes.

Q. What did you do then?—A. We went to Cape Breton.

Q. About what time did you complete your fare?—A. Early in October.

Q. Did you tranship at Cape Breton?—A. We transshipped 40 or 50 barrels.

Q. Why did you not tranship the whole catch?—A. What we transshipped was to a vessel which was not fully loaded, and which wanted supplies. We had sufficient supplies to go on further, and we purchased barrels at Mabou, Nova Scotia.

Q. It was not a vessel belonging to the same owner?—A. I think we belonged to the same firm, but I could not be certain. I don't remember the name of the vessel, but she was commanded by Captain Smith.

Q. That was pretty late in the season, in October?—A. It was about 9th October we transshipped that fish.

Q. Did you go back to the bay?—A. We fished off Cape Breton.

Q. Did you fish toward the bay, or outside?—A. North and west. We fished at Shippegan and Miscou.

Q. By the time you caught 45 barrels, how far was the season advanced?—A. About the 20th we completed the fare.

Q. What did you catch?—A. Forty-five barrels.

Q. Then you went to Gloucester?—A. Yes.

Q. When coming down from Bay Chaleurs to the Gut of Canso, where you transshipped, did you try to take any fish off Prince Edward Island?—A. No; because we had a full fare.

Q. The fish you took off Miscou and Shippegan—did you take them inshore or out in the bay?—A. All inshore.

Q. Within three miles of the shore?—A. Within half a mile of the shore.

Q. It is a pretty bold and rocky coast?—A. It is bold and rocky, with deep water right inshore.

Q. Do you recollect what the price of mackerel was at that time?—A. I recollect perfectly well.

Q. You have said you had 280 barrels and the 45 barrels; what was the proportion of No. 1 and No. 2 mackerel?—A. About three-quarters were No. 1.

Q. At the north, in Gaspé Bay and Bay Chaleurs, are not the greater proportion of mackerel taken No. 1?—A. That depends on the season. The fish taken up to the 1st August are inferior.

Q. You say it depends on the season?—A. On the time of year. The

fish caught in the early part of the season are inferior fish; in fact, so much inferior that they are hard to cure.

Q. Those taken later in the season are good?—A. Yes; they are good. From the middle of August they begin to get better, and improve to the end of the season. They are more valuable.

Q. And the large majority are No. 1?—A. Yes, at that time.

Q. You say three-quarters of your fare that season were No. 1?—A. They proved so on inspection.

Q. What price did you obtain for them?—A. Mackerel were selling at \$16 for No. 1 and \$12 for No. 2. We had no No. 3 mackerel.

Q. How many composed the crew of the vessel?—A. Twelve, in all.

Q. I suppose you yourself did a great deal of fishing?—A. Not so much as some of the other men, because I was not so much experienced.

Q. How many barrels had you for your share?—A. I caught 13 barrels, and had 6½ barrels for my share.

Q. Others got a good deal more?—A. Yes, a good deal more.

Q. It requires a good deal of experience to catch the fish?—A. It requires experience and activity, so much so that on the first day, when other men had filled a barrel, I had caught only a dozen fish.

Q. There is a knack about it which experience only teaches?—A. Undoubtedly so.

Q. What did you receive for your 6½ barrels?—A. They paid me so much a barrel. I don't know who purchased them; they were packed at Gloucester, and the master of the vessel paid me.

Q. How much a barrel?—A. \$16 for the best fish, \$12 for the others.

Q. When was your next fishing season?—A. The following season, 1852.

Q. With whom did you fish then?—A. I remained in the United States that winter and came back to Gloucester on an appointment and fished, I believed for the same firm, under Captain Watson.

Q. What was the name of the firm?—A. Friends & Co., or Friends Bros.

Q. What vessel did you go in?—A. The Bioan.

Q. When did you sail from Gloucester?—A. On 13th June.

Q. Describe which route you took?—A. We made direct for the mouth of Bay Chaleurs. The first fish we caught was off Bay Parbos, with the exception of one off Prince Edward Island.

Q. You went straight through the Gut of Canso?—A. Yes.

Q. You did not stop at Prince Edward Island?—A. We just hove to and caught one mackerel.

Q. You did not stop at Banks Bradley or Miscon?—A. We did not try the Banks, but went straight into the bay. I believe the Captain had a motive in doing so. He agreed with me to take me to my own place of residence when we sailed, and he consequently thought that was as good fishing-ground as any.

Q. He knew you had had experience of the ground?—A. That was no doubt his reason. I had been in communication with the parties while in the interior of the United States, and I arrived at Gloucester by appointment.

Q. Were you thoroughly acquainted with Bay Chaleurs and the coast of Gaspé?—A. Yes.

Q. Then you answered as a pilot as well?—A. That was supposed to be the nature of the case. That was the inducement.

Q. Where did you commence?—A. Off Pabos Bay. The first time we lay to there we caught about 40 barrels.

Q. How long did it take you to catch them?—A. Two hours and a half.

Q. How many men formed the crew?—A. Fifteen.

Q. You were experienced and caught more than a dozen that day?—A. I caught two barrels that day.

Q. And others of the crew in proportion?—A. Yes, some of them more, of course.

Q. Were they good mackerel?—A. No; they were rather poor.

Q. They would be No. 2?—A. Chiefly No. 3; some were No. 2.

Q. Did you make any distinction at the time of the catch?—A. It would never do to mix different qualities of fish, because it would injure them for the market. After the mackerel are caught they are packed according to quality.

Q. Has each man three barrels?—A. When fishing each man puts his fish into his own barrel, and after the fishing is completed the men turn to, and perhaps two men assist each other in splitting up and preparing the fish for salting.

Q. Do they do this at the end of the day's fishing?—A. They do it immediately they quit fishing.

Q. Could you not fish all day long?—A. Yes, if the fish would remain alongside, but they don't usually bite all day.

Q. When you clean fish what do you do with the offal?—A. Heave it overboard.

Q. Did you do that on your first voyage?—A. We do it always.

Q. You never knew then of vessels landing to dress their fish?—A. No.

Q. Were the 40 barrels caught within the three-mile limit?—A. Within a mile and a half of the shore.

Q. What is the effect of throwing offal overboard on the fisheries?—A. In what way?

Q. Is it injurious or otherwise to the fisheries?—A. It is injurious, decidedly so.

Q. State why you entertain that opinion?—A. In the first place, if it is done on grounds where fishermen are fishing for cod, it will glut the fish. Mackerel, so far as I am aware of, will not take the offal, but cod will feed on it when it is fresh. Our fishermen are not able to take cod with their bait when this offal is thrown overboard. If a very large quantity of offal is thrown overboard from a large fleet of vessels it is injurious in another way; it makes the water putrid and poisons the small fish.

Q. Have you noticed the water putrid?—A. I have.

Q. In how many fathoms?—A. In 4 or 5 fathoms. That is easily explained. On our coast, in most cases, there is a strong current setting up or down, at a certain distance from the shore, and inside of that there are eddies, and that foul matter comes into the eddies and tends to injure the fish.

Q. It does not get out of the eddies?—A. No.

Q. Have you ever smelt it?—A. Any one not accustomed to fishing, coming to a place where a large amount of offal has been thrown overboard, will distinguish it very quickly.

Q. Then do I understand you that without offal being thrown inshore, but out in deep water, you can smell it at sea?—A. For one or two miles.

Q. Fish will not enter the water at that point?—Not to any great extent, until the offal is displaced by the tide.

Q. Are these places where mackerel spawn?—A. Not in all cases.

Q. In many cases?—A. In some cases.

Q. What effect will this have upon mackerel spawn and fry?—A. It will be injurious to the mackerel fry in particular, especially in places like Seven Islands. If a large quantity of offal is thrown in, it will not get washed away until the tide has flowed for a long time; perhaps a spring tide will be required to do it.

Q. Must there not be an equally injurious effect upon the spawn itself?—A. I should suppose naturally so; I am not positive that it would be so, but I should think so.

Q. You are not able to catch fish until some time has elapsed at the place where offal has been thrown in?—A. As a great thing our fishermen give up the attempt.

Q. For the same reason?—A. That is the reason, I suppose.

Q. That they cannot catch fish?—A. Not until they move to another ground, one or two miles away.

Q. In your judgment it destroys the fishing-ground whenever offal is thrown over?—A. I believe it on oath. I don't pretend to be a very practical man in fishing, but I am stating my experience; there are hundreds of men more experienced than I am.

Q. But you have had practical experience, and you are stating your judgment?—A. Yes.

Q. What is the judgment of Americans?—A. They have stated that to me also.

Q. They have stated what?—A. They have stated what I say to you, that when a large quantity of offal is thrown overboard it is injurious to fishing.

Q. Is it really destructive?—A. I should suppose for the last three years it has been. During the last two years seining has done a great deal more injury than line-fishing. An immense amount of seining has been done in the gulf.

Q. Fish have been scarce for the last year or two.—A. Mackerel have been.

Q. Do you attribute it to offal having been thrown overboard in previous years; do you think that had anything to do with it?—A. Not that alone.

Q. Do you think that has been one of the causes operating?—A. It has no doubt had a tendency that way.

Q. During the last year or two the Americans have not been there so much?—A. They have not. This year the fish are approaching again.

Q. With regard to your voyage in 1852, where did you go after taking 40 barrels off Pabos?—A. To Port Daniel, my place of residence, which we left for the mouth of Saint Lawrence River.

Q. You went down to Anticosti?—A. We went to Gaspé Cape. The best fish we caught were about 12 miles above Gaspé Head.

Q. You were keeping inshore?—A. Yes.

Q. You went round the north part of Gaspé, and up the Saint Lawrence nearly as far as Bic?—A. Up as far as Matane.

Q. By that time you had got a full fare?—A. By the time we got back we had got a full fare.

Q. You crossed over to the north shore and went to the north end of Anticosti and fished there?—A. Yes.

Q. And during the whole time you kept fishing within the three-mile limit?—A. Always, except when cutters drove us off.

Q. Did cutters interfere with you?—A. They did.

Q. Where did they find you?—A. Inshore. All along the north shore of the Saint Lawrence.

Q. Were the cruisers along there?—A. They cruised from Gaspé to

Matane. Where there is a fleet of 500 sail along the shore there is a signal kept.

Q. Were they steam cruisers?—A. Some steam and some sailing.

Q. With the steamers you could see the smoke?—A. Yes. With such an extent of coast and so large a number of vessels, when a cruiser appears one of the vessels at the outside of the line makes a signal and then the vessels strike off.

Q. What was the signal?—A. The vessel's own signal.

Q. Then the vessel hauled out of the three-mile limit?—A. Yes.

Q. You did not stay long outside?—A. Not long. As soon as the cruiser was out of sight we were back again.

Q. After you had completed your fare, how many barrels had you on board?—A. Between 360 and 380.

Q. What was the size of the schooner?—A. 90 tons. The vessel carried more than vessels usually fitted out for mackerel-fishing, for she was built to carry freight.

Q. Were the men engaged on the same terms as on the previous year?—A. Yes.

Q. Where such terms are made, the cook stands out separate?—A. Not always.

Q. How can he make a catch?—A. It is very simple. If he is a smart man he will arrange that the men have a meal at daylight. I have seen a cook on board take more than any other man.

Q. Was the cook on this occasion paid?—A. Yes.

Q. And the men had to pay their share?—A. Yes.

Q. What else had they to pay?—A. For bait and barrels.

Q. Any proportion of the insurance premium?—A. I have never been charged for that. It belongs to the owners, unless it is a company affair right through.

Q. What about salt?—A. I have never been charged for salt.

Q. After your fare was completed what did you do?—A. I landed at Perce and went home.

Q. Where did the vessel go?—A. To Arichat, Cape Breton, to tranship. It is on the eastern side of the Straits of Canso. All the fare was transshipped there.

Q. In what time had you succeeded in completing your fare?—A. I landed on the 13th of August at Perce. I started from my place on 5th July.

Q. Then there was time for another trip?—A. It was stated to me in the following spring that the vessel had fitted up again. I don't recollect on what grounds they fished, except that it was in the gulf.

Q. What was your share of the catch that year?—A. I don't recollect the quantity; my fish went to Gloucester and I received my pay by a bill on Halifax.

Q. What did it amount to?—A. \$130.

Q. Did you fish during the remainder of the season?—A. Not particularly fishing. I was in a fishing-vessel that season afterward, but I did not only fish.

Q. During the season of 1852 how many fishing-vessels were in the Gulf of Saint Lawrence?—A. About 600 in all—that is, in the gulf.

Q. Do you know what were the ordinary fares that year?—A. I believe about 250 barrels; that was about the average.

Q. When you say there were 600 vessels do you mean American vessels?—A. They may not have been all American vessels; they were chiefly fishing-vessels; some of them were from Nova Scotia.

Q. How many were from Nova Scotia?—A. I could hardly tell you—perhaps 30 or 40 vessels; there may have been more or less.

Q. Then about 460 or 470 vessels would be Americans?—A. Yes.

Q. How did the price of mackerel rule that year?—A. As I did not go with my mackerel to Gloucester I didn't pay any attention.

Q. When you spoke of 460 or 470 American vessels, or the whole fleet, do you mean they were all mackerel fishermen?—A. Yes.

Q. Were there any fishing for cod in addition to those?—A. Not that I am aware of.

Q. Where were you fishing in 1853?—A. In the American schooner Minerve, of Castine, Maine.

Q. Where did you ship?—A. He came to my place after me.

Q. He wanted you on account of your knowledge of the coast?—A. He wanted me to go on the Saint Lawrence with him.

Q. Did you ship on the same terms?—A. I shipped for a specified sum.

Q. For what sum?—A. At so much per month.

Q. How much per month?—A. Thirty-five dollars.

Q. When you shipped, had the vessel any mackerel on board?—A. Five barrels.

Q. Then she had not stopped on the way to fish?—A. I suppose not from that.

Q. Where did you commence fishing?—A. Outside of Bonaventure Island.

Q. Did you fish inshore or outside?—A. Within half a mile of land.

Q. How many barrels did you take there?—A. About five barrels.

Q. Then which way did you go?—A. From Gaspé on the old course I have described.

Q. How long were you on that occasion before you got a fare?—A. We did not get a fare.

Q. It was not a good year?—A. Yes.

Q. What was the reason that you did not get a fare?—A. The captain was a very timid man and the cutters were more numerous.

Q. You had to keep out?—A. We tried outside, but we did not succeed in catching much fish; we took only 80 barrels.

Q. Did he run out when he saw a cutter?—A. When a suspicious vessel appeared he got under way and ran out.

Q. He lost so much time you could not get a catch?—A. That is it.

Q. Outside the limit you could do nothing?—A. Outside there were no fish.

Q. And he was too timid to remain inshore?—A. Yes.

Q. What was the result of the voyage?—A. The result was that I left him after three weeks.

Q. You found it was not a paying business?—A. It would have paid me. I was paid according to stipulation.

THURSDAY, August 9.

The conference met.

The examination of WILLIAM MCLEOD was continued.

By Mr. Thomson:

Question. When you left off yesterday you were speaking of being engaged with an American captain, who did not fish much inshore because he was afraid of the cutters, and you said you left her at the end of three weeks?—Answer. Yes.

Q. What did you do then?—A. After doing some work at home, the

vessel called upon me again to cruise in Bay Chaleurs, for the purpose of mackerel fishing and trading.

Q. Where was the vessel from?—A. She loaded from Portland. I could not remember where she belonged. The captain's name was Foster, and her name was Forest. She fitted out from Portland, Me. I think she belonged to an adjacent port.

Q. Did you engage in her?—A. I engaged to go in her up Bay Chaleurs on a voyage, for the purpose of taking and purchasing mackerel and purchasing salmon.

Q. What year was that?—A. The same year as I was in the Minerve—1853. A few weeks after I left the Minerve.

Q. Where did you go?—A. I went first to Caraquet and proceeded up to Bathurst and Herring Island, buying and catching mackerel.

Q. Did you catch them off shore or inshore?—A. Inshore.

Q. Did you succeed in getting a fare?—A. We caught very few, some 25 or 30 barrels altogether on that side, the south side of Bay Chaleurs.

Q. Did you purchase much?—A. We purchased some 40 or 50 barrels.

Q. Had you occasion when there to make any inquiry as to spawning grounds?—A. We crossed over to the Canadian side. I was told by an old fisherman, who had been brought up as a fisherman in the Orkneys, and from whom we purchased some few mackerel—which were inferior mackerel—that he had caught the fish in the spawning season. I personally knew him. I knew him to be an old and experienced fisherman from the Orkney Islands, in Scotland. His name was Magnus Firth.

Q. He told you he had caught the fish in spawning time?—A. We bought from him a few fish, but they were inferior; he said he could not sell them there. He brought some salmon as an inducement to take the fish.

Q. These fish were thrown in with the salmon?—A. Yes; he said the mackerel spawned before his own door; he was sure of that, because he had taken mackerel in that state, when they were blind, with a scale over their eyes.

Q. When spawning there is a scale over their eyes?—A. I am positive there is; I have caught them myself with a scale over their eyes.

Q. When taken in that state it is proof they are spawning?—A. Yes; they bury themselves in sand and mud. He said he had dragged them out of the sand—a mud loam bottom.

Q. Are you aware whether there is a scale over the eyes of the male fish as well as the female?—A. I could not say; I cannot distinguish the difference.

Q. That, then, is clearly one of the spawning grounds?—A. Yes.

Q. After that where did you go?—A. We came down the north side of Bonaventure, and caught some few more mackerel, and purchased some.

Q. Where then did you go?—A. To Port Daniel, and I left the vessel there.

Q. What became of her; do you know?—A. She proceeded on to Cape Breton to complete her cargo. She was an American vessel which went to Miramichi Rivers for the purpose of salmon fishing, then sold the salmon, and came on for the purpose of catching mackerel and purchasing salmon, and afterward returning to the United States.

Q. What was her size?—A. About fifty-five tons.

Q. How many men composed her crew?—A. Nine men only. I put a mast into the vessel.

Q. I think you explained—perhaps you might be more definite—the mode by which men who ship are paid by fish; what is the arrange-

ment!—A. The arrangement in my time, when I was accustomed to go in American fishing vessels, was this: Each man got half of the fish he caught when landed in port; he pays for his own barrels, for half of the bait, and \$1 for the culling and packing of the fish.

Q. In regard to the payment for half of the bait, how do you know how much bait each man uses!—A. The cost is divided equally. One man is supposed to consume as much bait as another, as it is bove broadcast. If he does not use as much it is his own fault.

By Sir Alexander Galt:

Q. How about boarding the men!—A. The owner boards all; he furnishes all supplies. That is my experience. There have been cases where it has been a joint-stock affair; that I know nothing about.

By Mr. Thomson:

Q. The ship boards the men!—A. Yes.

Q. And the owner takes one-half the whole catch!—A. Yes. I believe in a general way the owner does not buy the fish. I believe it is sold in the market to the highest bidder.

Q. Were you engaged in 1854 in an American vessel!—A. I was engaged on a seiner to repair sails.

Q. The vessel had come to Port Daniel!—A. It had come into Bay Chaleurs. I was engaged a few days repairing sails.

Q. They landed for the purpose of having the sails repaired!—A. They took me on board and moved off for the purpose of fishing at the same time. They did not take any fish during my time on board.

Q. Then you had nothing further to do with her in 1854!—A. No.

Q. Do you recollect whether a great number of American vessels were fishing in Bay Chaleurs that year!—A. Should say the number would be from 200 to 300 in 1853.

Q. In 1855 how many were there!—A. I believe 200 or 300, probably in that quarter; probably 600 in the gulf. They told me there were about 600 inside of Canso.

Q. Were you engaged in an American fishing vessel that year!—A. I was not.

Q. Did American fishing vessels fish much in Bay Chaleurs!—A. They did.

Q. Still within the three-mile limits, I suppose!—A. Mostly within three miles.

Q. All mackerel fishers, I suppose!—A. Chiefly; no American cod fishermen came inside except for bait and water.

Q. In 1856, were there many!—A. About the usual number.

Q. You were not engaged yourself!—A. No further than assisting them to make repairs when they came into harbor.

Q. In 1857, what was the number!—A. The same number—about the same.

Q. In 1858!—A. I think on the whole, up to 1860 or 1862, it was about the same thing.

Q. We pass then to 1863.—A. In 1863 I could not say the number, for during a portion of the time I was away from home.

Q. In 1864!—A. The same; I was away from home.

Q. In 1865!—A. The same.

Q. In 1866!—A. The same.

Q. Were you at home in 1867!—A. I was.

Q. Was there more than the usual number that year!—A. There were more than there had been during the last three years to my knowledge.

Q. You had been away during three years?—A. Not out of the bay, but away from my own place.

Q. How many vessels would there be in the bay in 1867?—A. From 300 to 400.

Q. Inside Bay Chaleurs?—A. Yes; I have seen 250 lying at anchor in Port Daniel Bay, and as many more at Paspebiac on the same day. Paspebiac is eighteen miles from Port Daniel on the Canada side. I could not say they were all American vessels. There might be three-fourths American, more or less. At this time Nova Scotia vessels began to increase. There might be one-quarter or one-half Nova Scotia vessels, I could not say positively.

Q. Could you not tell an American fishing vessel by her rig?—A. Within the last few years the vessels from about Lunenburg and Liverpool have resembled American fishing-vessels very much. They rig the same, and they cruise so much together that, unless you talk with the captains and crews, it is hard to distinguish them from Americans.

Q. In 1867 you say there were a great number of vessels in the bay, but you cannot say how many were Americans?—A. No; I could not say. I have seen 250 vessels lying in Port Daniel Harbor alone, and 25 of them might be Nova Scotia vessels.

Q. And a large number more lying close to Paspebiac?—A. A number more at Paspebiac on the same day, because I came from Paspebiac on the same day.

Q. During that year did they all fish inshore as usual?—A. Most inshore.

Q. Did the cutters trouble them that year?—A. They did.

Q. What did they do?—A. A number of vessels took out licenses that year, if I am not mistaken.

Q. In 1868 how many?—A. Quite a number in 1868; I could not say the exact number. Most of them in 1868 kept down about Gaspé; there were not so many of them at the head of Bay of Chaleurs.

Q. Have you any means of knowing what the average catch was in 1867 and 1868?—A. Only by information received from others.

Q. What did they say the vessels took?—A. About 250 barrels as an average; that is not for the season, it is for a trip.

Q. Did they go more than one trip?—A. A large majority make two trips.

Q. Then what would be the average for the season?—A. That would be 500 barrels for the season. The first trip would be shorter; for the last trip they would occupy longer time in taking a fare.

Q. But they would be better fish?—A. Yes; better fish and more valuable.

Q. What about 1869?—A. Fishermen were beginning to fall off a trifle.

Q. Why; from the scarcity of fish or the fear of cutters?—A. In our quarter.

Q. Was it from the fear of cutters or because the fish had become scarce?—A. Cutters were still cruising, but most of the vessels had taken out licenses; at least I suppose so.

Q. Was fish as plentiful in 1869?—A. Yes, on our own shore. Our own people found them as plentiful.

Q. They made good catches?—A. Yes.

Q. Do you know the reason why the American vessels did not frequent the bay in as large numbers as previously?—A. They stated to me that they found fish more on the Nova Scotia and Prince Edward Island shores.

Q. It was not necessary then to come so far?—A. Yes.

Q. What about 1870?—A. There was a large number of American vessels on our shores. The catch in a general way was pretty fair.

Q. What would you say was the average?—A. I can only say from report. When I saw them they were doing pretty well; they had their usual fare.

Q. About 500 barrels in the season?—A. Yes; there were several seiners that season in that quarter.

Q. Was that the first year you had seen seiners there?—A. I had seen seiners 10 or 15 years before.

Q. When was the first year you remember seeing seiners?—A. In 1851 and 1852 on the northern coast.

Q. Were the seines used close to the shore?—A. In 1851 I was in company with a seiner seining inshore at Seven Islands.

Q. Where are Seven Islands?—A. In the St. Lawrence, on the north side.

Q. Do you mean on the Labrador coast?—A. Inside of the Bay of Seven Islands.

Q. You did seine-fishing there?—A. Yes; with a draught seine; not a purse seine.

Q. Did you take much fish there?—A. They take very large catches of fish with it when they can approach the shore.

Q. Do they take the seine to land?—A. They land the seine.

Q. What was the effect of that kind of seining—did they take more fish than they wanted to keep?—A. In a general way it is not the case. At that season of the year the fish which come inshore are a large class of fish. One seine was enough to load two or three vessels, perhaps, in a couple of days. They loaded them as fast as the crew could cure them, so much so that the master had loaded his own and another vessel, and would have done more if he had not been driven off by a government cruiser.

Q. In 1871 was the number of vessels fishing in Bay Chaleurs as large as usual?—A. I only saw one vessel, a seiner.

Q. A purse seiner?—A. Yes.

Q. Did she take many?—A. I saw none.

Q. Was that a bad year for fish?—A. Yes; we caught no mackerel; not even for bait.

Q. How do you account for that; did the mackerel alter their ways, or were they frightened off?—A. They alter their ways and migrate to other shores; but the real cause was the frequent seining on the shores. Frequent seining will drive them off or destroy them.

Q. Do you recollect anything about the fishing in 1872?—A. In 1872 there was considerable fishing, but I was not connected with fishing that season. I know considerable fish was caught.

Q. How was it in 1873?—A. About the same.

Q. Eighteen seventy-four has been spoken of as a good year?—A. It was generally supposed to be a good year for fish.

Q. How many American vessels would be engaged in it in the bay that year?—A. I could not say. So far as I can recollect they were not as numerous as previously; not on our shores; most of them had kept down.

Q. In 1875 and 1876 mackerel were not so numerous?—A. In 1875 and 1876 we got none.

Q. How do you account for the mackerel not being there in 1875 and 1876?—A. For the same reason as I have given before—too much seining.

Q. You have seen purse-seining going on?—A. Yes. I have assisted them.

Q. Will you state to the Commission what purse-seiners do?—A. When a vessel has a seine and can fall in with a sufficient body of fish they lower two boats. The seine is generally 130 fathoms long by 11 fathoms deep, and is intended to be drawn together at the bottom and also in the center, at the two extreme ends. The seine is furnished with lead sinkers and sinks itself. Consequently, if the fish make a run to the circle, which they invariably do, they cannot get out, and the seine is drawn together, and the fish are captured in that way.

Q. How many fish are captured at one time in a seine?—A. I have seen 180 barrels taken from a seine.

Q. How many barrels would be fish which would not be used?—A. Perhaps one-half of the fish would not be marketable.

Q. A good number of the mackerel would be too small?—A. Yes; that is what I mean; they are not marketable, because they are too small. There will be herring taken with them often.

Q. How do they take fish out of the seine?—A. If the weather permits, they will thrust the seine along side the vessel; if not, they will take the fish out with boats—the seiners' boats are adapted for that purpose.

Q. What kind of boats are they?—A. Something like whale-boats, but larger and flatter, and made very buoyant.

Q. Are they flat-bottomed?—A. Not altogether flat, but much flatter than boats generally are. They are intended to carry heavy loads. I should say each boat would carry 25 barrels of fish.

Q. Would they take the fish out of the seine with a dip-net?—A. Yes.

Q. Would they separate them in the dip-net or throw them all into the boat?—A. They separate them on board the vessel.

Q. Those fish which are not marketable they throw overboard, I presume?—A. They are thrown overboard if there is no stranger alongside to get them. They would not destroy them if they had an opportunity to give them to people who would take them.

Q. That is a regular occurrence?—A. Yes. They can make no use of them, except for bait. They sometimes grind them for bait. Frequently they will be a long time before they will get a catch with a seine. Most of the seiners are also prepared to take the fish with lines, and they have also another mode of seining. A vessel will sometimes come to anchor and get a large quantity of mackerel about her.

Q. They throw bait out to get the mackerel round them?—A. Yes. There may be a heavy body of mackerel round, but they may not bite. They will sweep a seine around the vessel, if the weather admits of it, and inclose a large school of mackerel, allowing a sufficient extent of the seine for the vessel to drift out of it. Then they will close up the seine. They will not lose 25 per cent. of the whole fish.

Q. When the fish are taken, those not marketable are thrown overboard?—A. They are invariably thrown overboard.

Q. They will undoubtedly be dead?—A. Yes; mackerel die quickly.

Q. Suppose a seine took 500 barrels at one haul, how many would not be marketable?—A. It is possible the whole might be.

Q. It would be exceptional if the whole were marketable?—A. It is not generally the case, but it is possible they might be. I am not an experienced seiner, but I speak from what I have seen.

Q. What proportion of the catch would be thrown away as useless?—A. One-fourth at least.

Q. What effect has that on the fishing?—A. It would be injurious to

all kinds of fish. If you destroy the young fish it is like cutting down the young forest.

Q. In 1875 and '76 were purse-seines used?—A. Yes.

Q. What would have been the result of purse-seining if continued two or three years more?—A. It would ruin the fishing-grounds altogether for a number of years.

Q. By the Treaty of Washington Canadian fishermen have the right to enter American waters to fish. Do you estimate that as a great boon?—A. I have yet to hear that any Canadian vessel ever went there to fish. I don't refer to Nova Scotia vessels. I never knew of a Canadian vessel going there.

Q. Do you attach any value to that?—A. None whatever to us.

Q. You have fish at your own doors?—A. Yes.

Q. In regard to the right of transshipment, have you heard any American captains speak of the value of that right?—A. I have heard American captains say it would save during the season one trip; that they would be enabled to make three trips provided they had the right of transshipment. I am positive of that, because Captain Watson, before the Reciprocity Treaty was in force, transshipped at Arichat, otherwise he would have been obliged to have gone to Gloucester, and he would not have been able to fit up again. He told me in the following spring it was a great advantage being able to tranship. I don't know how the law was at that time.

Q. Does not the right of transshipment, besides gaining another trip, enable the vessels to take advantage of a rising market?—A. Yes; particularly since the telegraph is in operation and the Intercolonial Railway. Some few years ago when American fishermen came to our place they complained that they could not get news from home for two, three, or four weeks. Two days before I left home a seiner came and went to the telegraph-office, telegraphed to the owners, and received, in two hours, his instructions from Salem.

Q. The fish promise to be plentiful this year on your coast?—A. Yes.

Q. One seiner, you say, has already come in?—A. Yes.

Q. When you left home it was early for mackerel fishers to make their appearance?—A. Not earlier than in some previous years. They used to come about 1st July.

Q. You left home about the commencement of the season?—A. He said he had then 250 barrels on board.

Q. How large was the schooner?—A. A schooner between 90 and 100 tons.

Q. How many barrels would she carry?—A. He said she would carry 400 barrels.

Q. He commenced fishing in Bay Chaleurs then?—A. He did not say he had caught them in Bay Chaleurs.

Q. Had he commenced fishing there?—A. He said he had caught them between Miscou and Escuminac, on the New Brunswick coast. He did not say whether inshore or outside.

Q. Suppose the American schooners were kept outside the three-mile limit, do you think they would prosecute mackerel fishing at all?—A. They might for a short time; but in a very short time they would fail, if obliged to keep outside the three-mile limit.

Q. Where would they get their fares?—A. They might, for a few weeks; it is possible the mackerel might play off shore. But I don't think they would get fares. I believe it would be ruinous for any parties to go into the business if not allowed to come inshore to fish. I don't think it could be carried on.

Q. Even if the right to go inshore at the Magdalen Islands was given, but the American vessels were excluded from our other inshore fisheries, do you think any prudent man would conduct the business at all?—A. Many of the captains state it is difficult enough as it is, and be allowed to fish inshore along the whole coast. If that is the case, I don't know what they would be able to do.

Q. What do the Americans themselves say about the privilege of fishing inshore?—A. They say it is one of the most essential privileges they can obtain.

Q. Did you ever hear a single man say it was not so?—A. Not of the fishermen; not of the masters of vessels or of any of the crews.

Q. They all say it is absolutely essential?—A. Yes.

Q. Suppose they were excluded altogether, and the inshore fisheries were reserved entirely for Canadians, would you be better off than with a free market in the United States? Suppose the Americans were kept out, what would be the effect on Canadians?—A. Our fishing ground would be protected and our fish would increase. In a short time our people would enter into the business themselves; and as for the market, the consumers must have them and would buy them.

Q. Suppose the Americans were kept altogether out of the inshore fisheries, and the United States imposed a duty of \$2 or \$3 per barrel, would you be better or worse off?—A. Better off, for the consumers would pay the duties, if levied.

Q. You would be quite ready to assent to that?—A. I would be quite satisfied myself.

Q. Is that the opinion generally?—A. That is the opinion generally. I represent the opinion of my neighbors; all those engaged in fishing.

Q. You are a magistrate there?—A. I am a justice of the peace.

Q. You are a prominent man there, and you say you represent the general opinion?—A. I represent the general opinion. I would not have been here, except that it was the wish of my neighbors that I should come.

Q. It was at the request of your neighbors, and to represent their unanimous opinion, that you came?—A. Decidedly so.

Q. How do the American fishermen behave on your coast?—A. In a general way, as far as the Americans themselves are concerned, I find them sociable, friendly, and courteous, but their vessels are manned by crews of all nationalities. The American colors cover many characters, and there are a great many depredations, and very serious ones, committed by men on board of American vessels; but I never had cause to lay a charge against any American.

Q. But to the lawless acts of the crews you do object?—A. There are many instances of rascally conduct on our shores. They have often torn up bridges on our highways and barred them. They have also abducted young women.

Q. Do they tear up the bridges to prevent pursuit?—A. They tear up the bridges and barricade them from actual mischief and no other purpose.

Q. In regard to the cod-fishing carried on by Americans, they have to come to our shores for bait?—A. Yes.

Q. Could they carry on the business of cod-fishing without the privilege of coming to our shores for bait?—A. It is possible they might do so, but they would be at a very great expense. It would be a great disadvantage to any American fisherman to carry on the cod-fishing on our coasts without being able to come in for bait.

Q. The bait for cod must be fresh?—A. Yes.

Q. And the bait for mackerel is salt?—A. Yes; but sometimes fresh bait will do.

Q. In your judgment, they cannot get along with cod-fishing without fresh bait, and they cannot obtain that without the privilege of entering Canadian shores for it?—A. Yes; or running back a long distance.

Q. That would be a loss of time?—A. Yes.

Q. You spoke yesterday of the proportion of the catch outside; what would the catch outside amount to as compared with that inside the limits?—A. As far as my experience goes, from one-sixth to one-eighth might be caught outside, but not more. As I before stated, the heaviest catch that I have known was taken outside; that was in one of our bays, and that was an isolated case.

Q. That was taken in a bay; you never knew such a catch made outside in the gulf?—A. No.

By Mr. Dana:

Q. At the early part of the season, you say, you catch cod suitable for the market inshore, but as the season advances the fish begin to move out into deep water and sometimes run for other kinds of bait. About what time is it that the codfish move out?—A. At different times different baits come in. It might be that the first fish which approach our shore might remain a fortnight or three weeks and then move off shore again for other bait. That is, the fish would approach perhaps on 1st June, and they might remain till July; some time in July, perhaps on 5th or 6th, then that bait would be gone. They would not follow that bait, but move off shore, perhaps, for a while, and then approach again and take other bait.

Q. There are always some codfish inside?—A. At the latter part of July and August the fish are not close inshore. They are perhaps three or four miles off as a general thing, but not for a long time, only perhaps a few days, and then are inshore again.

Q. And then out again?—A. No; they remain then for a length of time inshore. That is, with the exception of the fish on the outer banks; they don't come inshore, but remain there.

Q. Do you mean the banks off the coast?—A. Banks Bradley and Orphant.

Q. These fish that are in the habit of coming in, they come in?—A. They never remain off shore more than two or three days at a time.

Q. Some stay for a length of time?—A. A great deal longer inshore than off shore, because they must have bait, and they will come after the bait. Take Bay Chaleurs. There there are seasons when the fishing is best in the center of the bay.

Q. What seasons are those?—A. Late in the fall, late in September, October, and November. It is best then.

Q. Have you ever followed mackerel fishing in autumn beyond your own coast?—A. Not beyond our own coast, except in one instance when I fished on the coast of Nova Scotia.

Q. You never followed them beyond British waters?—A. No.

Q. You could say nothing as to the condition, quantity, and value of mackerel in American waters, after they leave here?—A. I have seen mackerel brought into market on the American coast.

Q. Late in autumn?—A. Late in the fall.

Q. You have said a good deal about offal; do you refer principally to offal thrown overboard by cod fishers or by mackerel fishers?—A. Both.

Q. To one more than to another?—A. We will speak of the mackerel fishing, if you please. If mackerel are taken in large quantities close

to the shore, and vessels are lying at anchor, and they heave large quantities of offal overboard, it is decidedly injurious to our fisheries.

Q. I understood you to say that you could smell it two miles at sea?—A. I think not.

Q. The evidence reads one or two miles.—A. I might have said one or two miles. I recollect something of that; but I might venture to say one mile at least.

Q. Then you would not swear that you could smell it two miles distant?—A. Not two miles.

Q. Are you willing to let it stand as printed in the record, "for one or two miles"?—A. No; one mile.

Q. What time of the year could you smell that one mile away?—A. July and August.

Q. In the following spring?—A. It would not continue there at that time. The tide, ice, and snow would have carried it off before that.

Q. You said that the offal thrown overboard would be injurious to mackerel fry?—A. I say still it will injure the fry.

Q. But you would not say you could smell it one mile off after a strong tide?—A. Not after a heavy tide.

Q. Not after it had been frozen up for seven months?—A. No.

Q. Still you think it would be there?—A. It would have done all the injury to the fry before that.

Q. Do you think the offal would have passed away?—A. It would have passed away in six or seven months, but not early enough to have protected the young fry. The fry would be amongst it at that time.

Q. How many weeks or months after coming to life are they called fry?—A. They are fry till they are two or three inches long.

Q. How long will they take to attain that length?—A. Half of the summer season.

Q. You think the effect of the offal would last during the summer season?—A. Half the summer season, because it would wash into the sand, and it is washing backwards and forwards all the time. It would be affected by the salt sea sand, but not sufficiently in a short time to prevent injury being done.

Q. You have investigated the subject?—A. I have examined the subject to a certain extent.

Q. How do you know, if the fish do not grow well, strong, and fat, that it is owing to the offal?—A. If I am drawing a seine in shore, where small fish are abundant, and I take a quantity of fish which are half dead and not able to exert themselves, I consider these fish are sick.

Q. Now you want a diagnosis, an examination of the fish, to ascertain what is the cause of the sickness; how do you do that?—A. I am giving my opinion on oath. My opinion is that this sickness is caused by offal thrown overboard at these places.

Q. Some of the fish might have been taken in seines, and not quite killed, but left in an imperfect state?—A. I assure you that small fish of that description once seined will never be seined again.

Q. You mean they cannot live?—A. They will not be found alive.

Q. Is there any other cause for sickness among fish except offal?—A. There probably may be, but I am not aware of any on our shores.

Q. You have heard no other cause of sickness talked about except offal?—A. I have heard other causes mentioned in regard to southern waters up rivers, but as regards the ocean such is not the case.

Q. When you come into shallow water and find all sorts of fish, good, bad, and indifferent, you attribute the indifferent fish to the fact that some time before there had been some offal thrown overboard?—A. If

a heavy slide takes place from the banks of one of our large rivers, where fish are abundant, it is injurious to them.

Q. To their health!—A. Yes; it impregnates the water and makes it unwholesome for the fish, and they will die.

Q. Do you think fish are ever mistaken about their food and get food of a kind injurious to them?—A. I don't think fish do. They take different baits; but I don't know that they ever take anything foreign.

Q. May they not take a certain kind of bait too late? There are sea-songs in bait?—A. Yes.

Q. Do not boys get sick from eating green melons?—A. The cases are not the same. The ox eats hay, the horse eats oats, but you don't see an animal eat fruit that is not wholesome. You don't find that with animals or fishes.

Q. Is it your theory, and you can find no other cause for the sickness of fish except the fact of offal having been thrown overboard?—A. I don't mean to say that there is no other cause, for I am not sufficiently posted in science and natural history on the matter. I think offal does the injury. I have sworn to that, and I think so still.

Q. Have you heard that opinion generally expressed by the fishermen of your neighborhood?—A. I have heard it expressed for many years.

Q. Perhaps stronger during the last two or three years?—A. We on our shore are prohibited, and the penalty is a heavy fine, from throwing offal into our rivers, or waters, or ocean.

Q. What do your big vessels do?—A. I mean the fishermen on our shores.

Q. You have some schooners?—A. I am not aware of any; there are schooners fishing on banks.

Q. Take the schooners owned in Prince Edward Island—forty of them?—A. I have nothing to do with them. There are a number of lobster establishments round the coast which pay \$1 per barrel for cod's heads for bait; and they may take them there.

Q. Do you think vessels of 70 tons would bring in the offal daily?—A. I don't suppose so. I say lobster establishments pay \$1 per barrel for cod's heads for bait for lobsters, and the vessels may be prepared to take them there and get that amount, which would buy their salt.

Q. We have been told there are 40 schooners of 60 tons each at Prince Edward Island engaged in the fishing business?—A. Yes.

Q. Have you the least idea that they go to shore every day to get rid of their offal?—A. They might fish 30 or 50 miles from land and that would alter the case. We are not supposing that mackerel fry or cod fry are outside 40 or 50 miles. I never knew it. I know that mackerel spawn float; at the same time they go into the sand again.

Q. When you say you are forbidden, do you mean beyond three miles of the shore?—A. If it is known by our fishery overseer that any fishing-boats along our shore heave offal overboard, they would be fined.

Q. They keep within three miles of the shore?—A. They sometimes go beyond.

Q. Is it not a rare thing?—A. Not in the fall.

Q. What do they go to fish in the fall?—A. They go four or five miles out late in the fall.

Q. What for?—A. They get better fish—codfish.

Q. Do you know if the Prince Edward Island men ever do that?—A. I don't know anything about the island fishing.

Q. Don't you think during the excitement of this pending question that you stated this offal matter pretty strongly?—A. I only stated what is the general opinion along our whole coast.

Q. That has been fostered?—A. That has been so understood for years, because I state to you that the government has prohibited the heaving of offal overboard near the shores. I have not stated that the Americans or any other parties have heaved offal overboard outside at great distance. I have stated that they have heaved it within our shores, and that this is injurious to fishing.

Q. The only offal you speak of is that thrown within three miles of the shore?—A. On the Banks I have heard fishermen say it was injurious to the fishing.

Q. How deep was the water?—A. From 11 to 13 fathoms.

Q. Did the offal sink to the bottom?—A. I suppose so.

Q. Notwithstanding the set of the sea over it and the commotion below the surface, the offal remains, and is injurious, there?—A. I do not think it causes an effluvia, but I think that fish glut themselves on it to the injury of the fishermen.

Q. The fish eat it?—A. Undoubtedly they do—that is, codfish.

Q. How does that agree with your theory that fish do not make mistakes about their food?—A. Cod will eat a piece of themselves when it is fresh.

Q. It is kept in barrels for some little time. I think you said yesterday that codfish eat the offal?—A. I say so now.

Q. Does it not make them sick?—A. I don't know but that it does. Anything that gluts itself will become sick.

Q. They eat the offal?—A. They may eat the offal, but not any other foreign substance.

Q. You don't know that they eat the offal?—A. Yes. I have caught fish with portions of offal in them.

Q. Were they sick?—A. No, I could not say they were.

Q. What was the first general bad year for mackerel?—A. 1864-'65, I believe.

Q. It was a very bad year, was it?—A. It might not have been a bad year generally for the mackerel fleet at large; it was so in our quarter.

Q. To what do you attribute that?—A. I believe in 1865-'66 the mackerel were scarcer than they had been for some time; at the same time they were a large quality and splendid fish.

Q. To what do you attribute the absence of fish in your part of the Dominion that year?—A. To the excessive seining that had taken place on our shores.

Q. Prior to 1866. Do you mean purse-seining?—A. Yes.

Q. Do you mean on your coast or on the American coast?—A. On our coast.

Q. You don't mean that the fish were intercepted?—A. I mean that the Americans seined them there.

Q. In your waters?—A. Yes.

Q. You think that produced a short catch of fish on your coast that year?—A. Yes.

Q. Were many American vessels there that year?—A. Not so many as usual, but more seiners.

Q. Why were others not there? Do you suppose they got intelligence about the scarcity of fish, and so few vessels went up?—A. They probably found the fish otherwise and took them with lines. You will find they can get them with lines sometimes when they cannot with seiners.

Q. American vessels did not come to your coasts?—A. Some few did.

Q. So the absence of the American fishermen as a main thing was contemporaneous with the absence of the fish; how do you account for

that?—A. It is generally supposed that when the fish are not on the ground some portion of the fleet is aware of it, so that the fleet will not rush on the ground where the fish is scarce.

Q. Do your people go mackerel-fishing much?—A. Not to any extent.

Q. How was the cod-catch that year?—A. About the same as usual.

Q. In cod-fishing have you good and bad years, or is it about an average every year?—A. This year is an exception. We have the best fishing this year we have had for twenty-five years.

Q. In cod?—A. Yes; and mackerel are more abundant than for the last two years.

Q. Did you see many American mackerel-fishing vessels last year?—A. I saw one only.

Q. In 1875?—A. Some few.

Q. In 1874?—A. They were pretty well on the coast in 1874.

Q. Was 1874 a good year for fish?—A. Probably, but I could not exactly speak of 1874 as being a prolific year for fish.

Q. What do you say of 1873-'72?—A. Pretty fair.

Q. To what do you attribute this change which has been going on? I suppose it has always been that mackerel will be abundant on your coast one year and scarce another year, and there are a good many causes to which to attribute it?—A. If you will allow me to explain. My early experience with mackerel on our coast was this: they were that abundant that men and women and children, as young as 5 and 6 years, were out catching mackerel; and these young people would take all the way from 150 to 300 in the course of a couple of hours. That was through the whole season; since the Americans have frequented ours coasts in such large numbers such a thing as going out to catch mackerel in that way is not known. We have no doubt, and I have no doubt, the large catches of such a number of foreign vessels and the seining are the cause, and only cause, of the deterioration in the value of our fisheries.

Q. Now, of course, if the fishermen multiply so fast that you have such a large fleet, all doing their utmost to catch fish, that that must diminish the amount of the fisheries irrespective of the seining?—A. Not so much as the seining. The seining would be the principal cause of the diminution.

Q. Now it does not make any difference what nationality the people are who go to increase the fleet five hundred or six hundred—that is the number of fishermen, is it not?—A. I do not know of any other nationality except our own and the Americans that go there.

Q. Well, it does not make any difference if any people come there having the right to fish or exercise the right without having it, the same effect would be produced, provided they were equally skillful and well equipped?—A. I am not aware that any other nationality has a right except the Americans.

Q. Well, the effect would be the same if any other people came in such number, as well equipped, as well supplied with bait, and as skillful? Now, what you want is to have the monopoly for your boats?—A. Yes, very naturally we would require to do so; that is my wish.

Q. Don't you think it was an error in Her Majesty's Government to allow vessels to come there from the United States?—A. With regard to Her Majesty's Government it would be presumptuous in me to attempt to criticise what Her Majesty's Government would do.

Q. That is not half so difficult as to find out the cause of the sickness of the fish?—A. I think it would be a very strange idea for me to attempt to criticise Her Majesty's Government with regard to national

treaties. Whatever treaties she chooses to enter into, I think we, as loyal subjects, are bound to abide by them. At the same time we are bound to protect our own rights as far as is consistent with this treaty.

Q. You are a free citizen and have a vote, and it is a part of your duty to know what is good and to have an opinion just as we do on our side of the border. You are just as free as we are. You have a right to have an opinion. There is no reason why a man should be ashamed or afraid to have an opinion. I mean to ask if it is not your opinion, if it is not the opinion generally of your people, that it was a mistake and an injustice to give to the fishermen of the United States the right to come to these inshore fisheries?—A. Perhaps Her Majesty's Government were under the impression that they would obtain an equivalent for that.

Q. Well, that was to be in free trade, was it not?—A. In free trade.

Q. Was not that what you wanted?—A. I am not aware that the Canadian Government is very anxious to have free trade.

Q. You don't think your people are? You come here to represent them as a leading man, we are told. Well, the equivalent you expect and desire is freedom of trade, is it not?—A. Well, to give you an idea how anxious we are for free trade, we had a sample for some few years, and I do not know that one individual in our portion of the Dominion gained one cent by that; because the only thing that I saw that could be purchased cheaper was liquor; consequently, there were a great many more drunken people.

Q. Now, with reference to free trade, your impression is that it would, considering the liquor and everything, be rather injurious to your people?—A. Well, you mean to ask me if free trade would be an indemnity?

Q. No, I am not asking you that now. I want you to keep that out of your mind, as that might give you a bias. But do you think, from your experience, that free trade or reciprocity would be, on the whole, injurious?—A. No, I do not think so. I say that free trade would do very well; but not a one-sided free trade.

Q. Well, take the free trade there was between 1854 and 1866; was that injurious to your people?—A. It benefited us nothing.

Q. And it did you a good deal of moral injury?—A. I cannot say for the moral injury.

Q. Well, the rum?—A. I say that is the only article that could be obtained cheaper.

Q. But you also said that there was more drunkenness?—A. That was the case.

Q. Then you experienced a great deal of injury and no good. In what form did you want compensation to come—in money?—A. I do not think any money could be an indemnity for the right to these fisheries.

Q. But if you wanted indemnity at all for it, in what form would you have it? You do not want it in free trade?—A. I would rather have no indemnity, but let them leave the fish alone.

Q. Therefore you are opposed to the treaty?—A. I am personally opposed to the treaty; understand, myself only.

Q. Well, the people you represent, and who asked you to come here, do they feel as you do?—A. They do; that is their feeling, and they say so.

Q. But as long as there is money to be paid, you have no objection to taking it?—A. O, hand over. If there is money to be obtained, let us have it.

Q. Has that subject been agitated among the people?—A. It has been talked over very frequently.

Q. Have there been political meetings?—A. No.

Q. But from private conversation you understand that?—A. Yes; that is what our merchants and fishermen think.

Q. And they have requested persons to come here and represent their views?—A. They did not request me in the first instance to come here, but when I was called upon by the proper authorities to know if I would come here, they requested me to come.

Q. Whom do you mean when you say "they" requested you?—A. My neighbors.

Q. But you were first requested by the proper authorities?—A. Yes; I was requested by the proper authorities to come here.

Q. Then your neighbors assented to that?—A. Yes. Well, there might be some that did not. I do not say all.

Q. O, no; there is rarely unanimity.—A. There might be parties there opposed to my coming.

Q. There might be parties that differed from you in opinion?—A. There might be parties that differed from me, politically only.

Q. Well, in the provinces that is everything, is it not?—A. It has a great deal to do sometimes.

Q. You said something about the vessels that came in under the American flag. What nationality are these people? You say there are not many Americans.—A. No; I said there were a great many vessels in which parts of the crew were aliens—some Swedes, some Portuguese, some English, Irish, and Scotch. There may be also some Nova Scotians.

Q. Many?—A. I have seen them commanding vessels that sailed under the American flag.

Q. What, poisoning your waters, &c.?—A. Well, they assist.

Q. Well, many of these that commit these great crimes that you have spoken of, how do you know whether they are Americans or not?—A. I do not say whether they are not; I said I did not blame the Americans for that.

Q. That is, that you do not blame the Americans as a people?—A. Well, it is generally supposed that the flag covers the goods.

Q. Well, you say that there are foreigners in those vessels who do not speak the English tongue?—A. Yes; but that is not always the case.

Q. Them are some from the provinces, and some from England, Ireland, and Scotland?—A. Yes.

Q. And there are some from Sweden, and also Baltic men?—A. Yes.

Q. Then there are some Portuguese who constitute parts of these crews?—A. Yes, sir.

Q. And you have no vessels of anything like similar size from your part?—A. No; we have no vessels of our own from that quarter; but I myself am able, if I associate with a crew of men of distinct nationalities, to tell that they are such.

Q. Well, you can distinguish the Portuguese, or men from the Baltic or Germany, from Englishmen?—A. Well, I can also distinguish an American from a colonist.

Q. That is when you hear him talking, but at a distance; for instance, if a man is running away from a magistrate, you cannot tell by his running?—A. I should say not.

By Hon. Mr. Kellogg:

Q. In Gaspé Bay and Bay Chaleurs, how far out does it freeze?—A. In Gaspé Bay it freezes solid across.

Q. How far beyond?—A. I think no further; I think it is drift-ice beyond that.

Q. Does Bay Chaleurs freeze across?—A. No; it is drift-ice. I suppose the ice might enter into Bay Chaleurs from the north.

Q. At what time did you come to that country?—A. In 1846.

Q. When did the great mackerel-fishing begin?—A. With the Americans, about 35 or 36 years ago; I have seen American vessels and American fishermen, more or less, since I have been in the country.

By Mr. Thomson:

Q. In speaking of the Reciprocity Treaty you say it did you no good in your neighborhood; that is all you speak of?—A. Yes; that is all—my neighborhood alone.

Q. Now, in reference to this offal, you say you could smell it a mile away?—A. Yes.

Q. I wish to ask you whether, in the neighborhood of the shore near where that offal has been thrown, it has come under your observation that typhoid fever has prevailed among the inhabitants?—A. Well, there have been fevers along the shore in many places; but, unfortunately, we are not well supplied with physicians, and I am not competent to state what is the cause.

Q. Well, fevers, at all events, have prevailed?—A. Yes; last year they prevailed.

Q. In the neighborhood of where this offal is thrown out?—A. Yes; in the neighborhood where the offal has been thrown out. Last year that was the case, and two years ago.

Q. Would you smell it on shore as well as seaward?—A. Decidedly so.

Q. I think that you stated to me that the Americans themselves agreed that it was injurious?—A. Yes.

Q. Have you spoken to them about it?—A. Yes; frequently.

Q. What do they say?—A. They say it is not their affair; that they would kill the goose that laid the golden egg for the sake of the present profit.

Q. Do they say that with reference to seining as well?—A. Yes.

Q. You remonstrated with reference to both?—A. Yes. In one instance, a Captain Smith, a man from Truro, was commanding a vessel from Salem. I remonstrated with him on those subjects. He said, "That is not my affair at all; my business is fishing; I would kill the goose that laid the golden egg for present profit." That was his very expression.

Q. That is, in your judgment, what they are doing?—A. Yes. Captain Henry Smith, that was the man's name.

Q. Is there not another evil effect from this offal when it goes down? Does it not kill those small shell-fish upon which the cod-fish and mackerel feed?—A. What kind of fish do you allude to?

Q. Well, the brit and the shrimp—both. A. The brit is not a shell-fish. I take it to be a marine insect. It is sometimes in great bunches, and when the sea becomes very high it will rise from the bottom.

Q. That is injured by the offal, is it not?—A. Undoubtedly so.

Q. You say, that probably Her Majesty's Government expected to get an indemnity when they allowed such a valuable privilege to be given over, and in your opinion no money-indemnity could compensate for the concession?—A. Yes; in my opinion it is too valuable.

By Sir Alexander Galt:

Q. When you speak of free trade do you refer to the Reciprocity Treaty or to the time when the port of Gaspé was a free port?—A. The port of Gaspé, if I understand aright, was a free port a very short time. It was

merely for a short time to enable the government to arrange their affairs for general free trade into the Bay of Chaleurs.

Q. But did you refer in your reply to the absolute free trade which exists in Gaspé?—A. I refer to the free trade that existed in the district of Gaspé; in the whole extent of the district of Gaspe.

By Mr. Dana:

Q. Do you refer to the period from '54 to '67?—A. Yes.

By Sir Alexander Galt:

Q. How long was there a free port at Gaspé?—A. It existed, I believe, throughout the whole time of free trade. But it was the free port of the whole district in the first instance, and then there was a modification.

Q. Do you recollect when it was declared a free port?—A. Yes; I recollect.

By Mr. Dana:

Q. I understand you to say that during the period of time that you had free trade it was no advantage to you?—A. No.

Q. That was about from the year 1854 to the termination of the Reciprocity Treaty?—A. Well, you know I have nothing to say with regard to the intention of the government. The part our government took was right enough, but circumstances made it difficult for us to obtain advantages.

Q. The time that you say you got no advantage was during the period of the Reciprocity Treaty?—A. I have already stated that we received no benefit to the best of my knowledge.

By Mr. Thomson:

Q. In point of fact you have nothing to export except fish from the district of Gaspé?—A. Just so.

Q. Well, if the Americans come in and destroyed your fish you might well say it was no good?—A. . . .

By Mr. Foster:

Q. Where is the Truro to which you refer when you speak of it in connection with a Captain Smith?—A. Truro, Nova Scotia. He told me that was his native place. The man is a very worthy man so far as I know anything about him. I merely state facts. I have been very nicely used by the gentleman. I am not speaking anything derogatory to him. I am not going to exonerate myself, should I be placed in the same position. I might do the same as he did myself if I had to make a living for my family in that way.

#### No. 12.

PHILIP VIBERT, of Perce, in the county of Gaspé, general commission agent and agent for Lloyds, in the county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. Where do you live?—Answer. At Perce, close to Mal Bay.

Q. Your age?—A. 72.

Q. How long have you been living in the county of Gaspé?—A. In the district of Gaspé I have been living upwards of 32 years.

Q. The most of the time have you been at Perce?—A. No; the

greater part of the time, more than half, I was residing at New Carlisle, in the township of Bonaventure.

Q. Is it on the sea-shore?—A. Yes.

Q. And Perce also?—A. Yes. Perce is one of the leading fishing-stations on the coast. In fact, it is the head fishing-station.

Q. I think the Secretary has entered your occupation, but it has not been heard by the Commission?—A. It is that of general commission agent and insurance agent. I am also agent for Lloyds, the great insurance company of London.

Q. I think you have filled some public office at Perce?—A. I have held the office of high sheriff of the county.

Q. When did you begin to pay any attention to the fisheries of your neighborhood?—A. I came out for the express purpose, in 1845, of looking after the fisheries. I came out as chief superintendent of the Gaspé Fishery and Coal-Mining Company. Consequently, from that period to the present time, if not actually concerned in them, I have at least been always watching over and attending to the fisheries, because, I believe, I can say that no man has paid more attention to them than I have.

Q. Was that an English company?—A. It was a company formed in London with a capital of £150,000 sterling.

Q. Have you ever had occasion not only to observe but to write your observation of the fisheries?—A. I have. I have written for a long time, and what I have written has appeared in the English and Scotch papers, more particularly at the time previously to the time of the treaty, when the men-of-war were on the station.

Q. Have you ever been engaged yourself or as agent of that English company in the fisheries?—A. As agent I have, but not myself personally. As agent I have been always more or less engaged.

Q. In what kind of fisheries have you been engaged?—A. In all kinds, but more particularly in cod-fishing.

Q. Well, is the cod-fishing carried on to any extent in that part of the gulf?—A. Undoubtedly. Charles Robin & Co. have their head station at Perce. They are the largest fishing concern, perhaps, I may say, almost in British North America.

Q. Do any other people trade in fish extensively in your district?—A. A great many.

Q. Who are they?—A. Well, besides Charles Robin & Co., there are the LeBoutillier Brothers, also John LeBoutillier & Co., Messrs. J. & E. Collas, Hyman, and others. I have a memorandum. I will read them. (Reads from memorandum as follows:) Charles Robin & Co., LeBoutillier Bros., J. & E. Collas, John LeBoutillier & Co., Horatio Le Boutilier, Thos. Savage, John Fauvel, Jas. Alexander, John LeGresley, Wm. Fruing & Co., Wm. Hyman, Michel LeEsperance, T. J. LaMontague, Blowin Bros., H. & S. Veit, Robert Lindsay, C. Hamilton & Co. There are a great many others beside these, but those I have mentioned are houses that ship fish; that send fish to foreign markets. There are a great many others besides these engaged on a pretty large scale, but they do not ship themselves.

Q. They sell to those parties?—A. Yes.

Q. What are the markets with which these parties are connected? Is it the United States or some other?—A. Spain, Portugal, and particularly Brazil.

Q. Do they ship much to the United States?—A. Nothing. The only fish I have known shipped to the United States during the thirty-

two years I have been on the coast has been herring—salt herring. I am not aware of any other being sent there.

Q. Well, where are these parties located; they are not all at Perce?—No; all along the coast.

Q. To what extent of the coast?—A. You might indicate on the map behind you the extent of the shore on which these establishments are founded or exist?—A. (Pointing to the map.) The whole of Bay Chaleurs, along the shore, and up the Saint Lawrence as far as the fishery extends.

Q. How far is that?—A. I should say up to the Saguenay. I don't think there is any farther point.

Q. That is on the north shore; what point on the south shore?—A. Up to Riviere de Loup. I believe that is about the extent, to the best of my knowledge, of the operations of those houses up that way.

Q. Are some of those houses located on the north shore, or are they all on the south shore?—A. They have establishments on the north shore all the way up to the Strait of Belle Isle, but the principals generally reside on the south shore.

Q. Can you give us the names of the places on the north shore where these houses you have mentioned have establishments?—A. They are as follows:

Fraser & Halliday, John and Elias Collis, Moisic; Thomas Vibert, Shallop River; John LeGros, Le Gros Cove; Joseph Ferguson, Mabes Cove; John and Elias Collas, Philip Tousel, James Alexander, — Ferguson, Sheldrake River; P. Couture, Duck Creek; Joseph Couture, Couture's Cove; LeBoutilier Bros., Thunder River; J. & D. Beck, Judge Benouf, Jupitagen Ridge Point; LeBoutilier Bros., C. Robin & Co., Charles Jean, Rambler's Cove or Magpie; C. Robin & Co., J. & E. Collas, Clarence Hamilton & Co., Simeon Mabe & Co., James Beck, Sirvis & Boulanger, St. John's River; C. Hamilton & Co., John Fanvel, John Vibert, Peter Douguay & Son, Long Point or Sand Point; Le Boutilier Bros., Esquimaux Point; C. Robin & Co., Natashquan; C. Robin & Co., Le Doeque. That makes thirty establishments on the north shore. All of them, with two exceptions, are Jerseymen.

Q. Are you not yourself a Jerseyman?—A. I am.

Q. Were you connected in any shape with the fisheries before coming to this country?—A. I was.

Q. So you began early in life to be connected with the fisheries?—A. I began immediately after leaving the sea. My first entry into life was as a sailor. I have been at sea five and a half years. After that I went into business.

Q. What business?—A. Commission business, first of all, in Jersey. On my brother going out to Rio de Janeiro to establish business there, I then entered into the fishing business, buying fish, so as to ship it to him at Rio de Janeiro.

Q. You told us, I think, that all those houses engaged in the fisheries along the south and north shores were dealing with all kinds of fish?—A. Yes; but particularly codfish.

Q. They are at a considerable distance from Newfoundland?—A. We have nothing whatever to do with Newfoundland, nothing whatever. We are distinct as regards fisheries as if we did not belong to England at all; as distinct as they were part of a foreign nation, comparatively speaking.

Q. Of all these houses is there none dealing with Newfoundland?—A. Not one.

Q. Then all the codfish are taken within the Gulf of Saint Lawrence?—A. Undoubtedly.

Q. Now, have you any knowledge, from your personal observation or from conversation (not recently, but during the whole course of your experience), where the codfish is generally taken in the gulf?—A. By far the greater portion of the codfish is taken along the shore. A very considerable portion is likewise taken on the banks.

Q. Which banks?—A. For instance, Miscou Banks and others outside—distant from the shore. The great bulk is within the three-mile limit.

Q. Well, if you were called upon to give an appropriate statement of the proportion taken inshore, within three miles and outside, what proportion would you put in either division?—A. That is, what proportion is caught outside and inside?

Q. Yes; of the whole quantity that is dealt with by these houses.—A. Two-thirds are caught inside and one-third outside. I will say that is about it. It is impossible to say exactly.

Q. In regard to mackerel, where is the mackerel generally caught?—A. As far as I am aware of, it is in the gulf; but principally close to the shore.

Q. If the same question were put to you what proportion is taken in any part of the bays and what the proportion would be of those caught outside, what would you say?—A. As far as my knowledge of the fishery goes, from close observation (for I have always paid great attention to the fisheries), I should say decidedly two-thirds of the mackerel are caught within the three-mile limit. Because there is also another thing that must be taken into consideration, which is this: The great mackerel fishers are the Americans, and when the three-mile limit existed they used to come within the three-mile limit and feed the fish and take them outside and then catch them. When our people had been for a few days or a week catching fish for bait and doing a little—having, perhaps, a few barrels—an American schooner would come along and pass in between Bonaventure Island and the mainland and strew the bait there and away they would go off, and you would never see a mackerel there again that season.

Q. That is for some time?—A. I have known when it was late in the season that you would never see a mackerel there again. They take them all out. Every fish went out.

Q. Well, have the Americans, during the period of your experience, been in the habit of frequenting the parts of the gulf where you live?—A. Decidedly so.

Q. Could you give an estimate of the number of American vessels that came in, either from your own observation or from conversation?—A. Of late years very few have come, but I have seen as many as 200 or 300 in sight at one time. I have, not more than four or five years ago, I think, counted 167 from my house in the offing, which I took to be Americans, for this reason: that, generally speaking, they are more tidy, if I may so express myself; they are better looking vessels, and their sails are so white, compared with the British fishermen, that they can be distinguished from them.

Q. You counted 167 from your house?—A. Yes.

Q. Over what area?—A. It might be within a distance of perhaps five or six miles, because when they are fishing mackerel they always are close together. They do not spread out and remain at a distance, but all keep together.

Q. When you say five or six miles, is that five or six miles from the coast or along the coast?—A. Along the coast.

Q. At what distance from the coast do they keep?—A. At the time when they were watched by the cruisers they kept away, but when there were any mackerel one of them would run in, as I was observing a little while ago, and take them out; then they would fish away, but taking care to be outside the three-mile limit.

Q. You remember in 1867, that is the year after the abrogation of the treaty; have you any knowledge of the number of vessels that frequented?—A. After the establishment of the Reciprocity Treaty?

Q. After the abrogation.—A. Well, there was still a great number; but at that time there certainly was not quite so many, although very nearly as many as before for some time. In fact, they continued to be very plentiful until the civil war; then they went off as if by magic.

Q. The civil war was ended?—A. But I say they were plentiful up to that time.

Q. I think you told us that vessels were counted by you to the number of 167, and you said they were along the coast; now I ask at what distance from the coast?—A. They might have been four or five miles at the outside, not more.

Q. Some of them?—A. Some of them; yes.

Q. Were there several cutters looking after the fisheries, either Canadian or Imperial?—A. They were, particularly previous to the Reciprocity Treaty. I have seen as many as seven British men-of-war in Paspebiac roadstead at one time.

Q. And after 1876?—A. After that there were only Canadians there.

Q. In that part of the gulf?—A. That is, in our part of the gulf; I do not know what there were elsewhere. We would see a frigate occasionally, but not to say continually on the coast. But, during the period first alluded to, some of them would come and remain in the roadstead, particularly the captain of the Devastation. He was called "the devil on the station."

Q. From the information you got have you an idea of the number of the American vessels that frequented the gulf—from the Gut of Canso up to your locality and above?—A. As far as I have heard I should estimate them at 500 or 600 or more, not less, but they never were in the one place at the same time, they were all spread about. For instance, I have left Paspebiac on board the Lady Head on the way to Quebec. When leaving Paspebiac I have seen from 200 to 300 Americans in the Bay Chaleurs. As a matter of course they could not follow us. They could not get ahead of us, because under any circumstances we were able to beat them, as we were in a steamer. Well, when we would get up into the river St. Lawrence I have seen nearly as many more ahead of us.

Q. When you speak of five, six, or seven hundred, you speak of the Quebec waters?—A. I am speaking of the Quebec waters.

Q. That does not include what might have been about the Island of Cape Breton?—A. No; I am speaking of the Quebec waters, and I believe I am not very far wrong. In fact, the American captains have admitted that to me themselves, because I have often conversed with them. They have admitted to me that there was that many.

By Mr. Foster:

Q. In the gulf or in their whole fleet?—A. O, no. In the gulf. When they come to be spread out all over the vast extent of water they soon tell up.

By Mr. Doutre:

Q. Could you speak with some knowledge of the tonnage? Have you any personal knowledge of the average tonnage?—A. Yes. I have been on board a great number of them, and also from my nautical knowledge I know. From my own house, as I have a first-rate glass, I could always tell about the tonnage. I don't think I have seen any less than 50 tons. From that I have seen them up as high as 200 odd. I should say the average was from 70 to 75 tons. That is what I would suppose would be about the average. I have seen one vessel 220 tons.

Q. What is the number of men on those vessels?—A. The crew, as a matter of course, would vary according to the size of the vessel, from 10 to 15, but in this large vessel I have spoken of there would likely be 20-odd hands. I don't remember exactly. I think it was 20-odd.

Q. Well, now, have you any idea of the catch on the American vessels when they felt that they might go—that is, when they had about what they expected to have?—A. As a matter of course the catch would depend upon the size of the vessel. A small vessel would not require as much as the others, but I have always understood from the American captains that they made very good catches as a rule. As a matter of course, according to the size of the vessel; they would vary from 250 to 500 barrels.

Q. In one trip?—A. Yes.

Q. Is it to your knowledge whether they make more than one trip?—A. As a rule, they always made two, but they have made three. I think it is as many as two invariably.

Q. Have they time to go home with the catch and come back?—A. Well, I will tell you what used to be done; I will not say what they do now. In McCulloch's Dictionary it will be found where Mr. McGregor gives the statement that seven or eight farmers and their sons will unite to build a schooner. They fit out here to go fishing in the spring. They manage to get a cargo in time to go back and attend to their harvest. They get their crops in, and as soon as they are in they start for another voyage. That shows that I am correct in speaking of the possibility of their making three trips.

Q. Especially if they tranship?—A. Especially if they tranship. But this system that I allude to I know to be correct from my own personal knowledge and by reference to McCulloch's Dictionary, where it will be found fully described.

Q. Is it to your knowledge, either personally or from conversation with skippers, whether transhipment is practiced?—A. O, yes. Many of the skippers have told me that they went to the Gut of Canso to tranship. Many have told me that; and when a schooner was not full and would come across another that was not full, they would make a bargain to tranship from one to another, and then one would go home and let the other go back to the fishing ground.

Q. Well, it is an advantage to the Americans to have the right to tranship?—A. Undoubtedly; for if they do that, it gives the vessel that transships into the other an opportunity of returning to the fishing ground, and she loses no time.

Q. Therefore she makes double or treble trips?—A. Precisely. That was done on the coast of Jersey in the oyster fishery. Oysters never went to market by the vessels in which they were taken, but in larger vessels. They were transshipped invariably. That is precisely the system we are now speaking of.

Q. Even if they had no steamer to tranship their cargoes to Boston or elsewhere, one party having two schooners might keep one coming

to the Gut of Canso, taking the cargoes of the fishing schooner away, and leaving her on the ground?—A. Yes.

Q. In fact, there is a multiplicity of operation that may result from this liberty of transshipment?—A. Undoubtedly.

Q. Do you think it would be worth while for the Americans to come in our waters if they were strictly or rigidly excluded from the bays and three miles from the shore?—A. I don't believe it would be worth while, and I have never thought it would be worth while.

Q. Suppose they were restricted to Magdalen Islands, the coast of Cape Breton, and part of Newfoundland, do you think it would be worth while?—A. I believe that for a few it might answer the purpose, but not to come in the immense numbers that they have come in.

Q. They could not make a paying voyage if they did?—A. It would be utterly impossible.

Q. Is that only your own opinion?—A. We have always understood it to be the opinion of the Americans themselves.

Q. Have you had occasion to speak often with them?—A. Yes.

Q. Both before and after reciprocity?—A. I remember on one occasion, which has just come to my mind, I met an American captain and asked him what he was doing. He said he was fishing codfish. I said, I suppose you are fishing in the usual mode with you Americans. He said, precisely so. I asked him if it did not ruin the fisheries. He said he thought it did. I asked him why he did it, and he said that if he did not his neighbors would, and that, as a matter of course, he could get a great many more fish in that way. He added that it was the fault of our people that they did not prevent it. He then made this observation: "Ah! if you only knew it, there is California there. You need not go beyond this for California."

Q. When did this take place?—A. That must have been in something like 1855 or 1856.

Q. Did you ever hear of our fisherman resorting to the American waters to fish?—A. Never. In fact, I am very certain they would not. What benefit would they derive? If they found it worth while to go to the American waters, why would the Americans come here to fish in ours? They would not come here if ours were not superior to theirs. It stands to reason that they would not find it profitable to come that distance if their own fisheries were as good, and our people are not such fools as to go to an inferior fishery.

Q. It would not be the act of a sane man?—A. No; the man would be better fitted for the lunatic asylum than anything else.

Q. Have you any idea of the profit realized by those who fish either mackerel, or codfish, or halibut?—A. I cannot give you an exact statement of it, but I could give an approximate estimate, I suppose.

Q. Have you any note about it?—A. I have a note here to refer to. But, for instance, you ask me with respect to the extent of the mackerel fishery. I have always understood from captains that from 100 to 120 barrels paid for the outfit. Consequently, if they got that, and enough to pay the crew, whatever was divided among them after that was all clear profit. That is what I have always understood. Then, as a matter of course, that depends again upon the tonnage of the vessel, for it stands to reason that a vessel of 50 tons will not require as much as a vessel of 70, 80, or 100 tons. It must be *pro rata*.

Q. Did you tell us what was the average catch to a vessel?—A. I did; I said from 250 to 300 or 400, and the largest ones 500. It just depends upon the size of the vessel.

Q. Take the average tonnage you have given, namely, 70 or 75 tons,

and speaking of the whole season, not of one trip only, what would you think would be an average statement of expenses and profits?—A. I do not know about that. At all events the vessel would take, admitting she made two trips, 700 barrels. If she took 700 barrels she would not sell them for less than \$12 a barrel. I do not believe it has ever been below that. I have known them to go upwards of \$20 a barrel.

Q. But taking a very low price; continue your calculations, taking \$12 as a very generous concession as to price?—A. That would be \$8,400.

Q. Then, what proportion of that is required to cover expenses?—A. Half of that, according to the present system with the Americans, is generally adopted. Because I ought to have told you this when I spoke about the farmers and their sons uniting. The other system is that the merchants find the vessel and the outfit; originally, when they first commenced the fishing, the merchants found the ships or schooners and the nets. The crew had to pay for provisions, salt, lines, and hooks, and after that they got three-fourths; I think it was—no, it was two-thirds—that was it, and the vessel got one-third. But now the system is altered, from what they have told me. The vessel finds everything, and the crew and fishermen have to pay simply for the cook and the share of bait whenever they have to buy bait; and they get half and the vessel gets half. That I believe is the present system, so far as the captains have told me.

Q. Who pays for the barrels?—A. The vessel.

Q. The owner?—A. Yes.

Q. Taking that system, and taking the average catch at 600 or 700 barrels, what would be the clear profit to the owner?—A. I should say the owner would get from \$2,000 to \$3,000.

Q. But in the mean time a large number of persons have found their living in the business?—A. Yes.

Q. Is it ever done that some person charters a schooner to go fishing?—A. I am not aware that it is. It might have been done; I am not aware of it.

Q. Does it sometimes happen that the men instead of being engaged per share would get wages?—A. Yes; that is the case, because I have known men to be hired in that way. The schooners have passed along the Gut of Canso or Arichat and those places, and hired men at so much per month instead of shares.

Q. Well, having been engaged in marine insurance, would you consider that \$250 or \$200 a month for the charter of a vessel of 70 or 75 tons would be a fair remuneration for one?—A. \$250 a month would be decidedly a fair remuneration; according to the size.

Q. Well, say a vessel of 70 tons?—A. I should say the owner would be very well paid.

Q. Now, I would like to put this question: Taking that part of our population which is engaged in fishing, or the inhabitants of those parts of the coast we have mentioned all along the gulf, independently of the remainder of the population of the country—speaking in view of the interest of that part of the population, do you think that reciprocity or any other system of trade with the United States would compensate for the loss they sustain?—A. None whatever; nothing can compensate. The remainder may be benefited by reciprocity, but not the fishermen or the merchants. You can give them nothing that will compensate them, because the moment you take away the three-mile reservation you destroy the fisheries, and the moment the fisheries are destroyed your fishermen, in the first place, will not be able to obtain a livelihood,

and the merchants by degrees will have to leave the coasts. The large establishments dwindle away to nothing. It is as plain as A B C. If the trade goes away these establishments must go with it; they cannot hold on to nothing.

Q. From your knowledge of the shipping interest do you think that the proprietor of a schooner of seventy tons could put her to any more profitable business than to charter her to fishermen who would pay \$200 or \$250 a month?—A. That all depends upon the state of business at the time. Because take such a time as this when business is very bad. There is many a man who would jump at the idea as long as he got his money, however small, for the employment of his vessel. It depends upon whether business is good or dull.

Q. Referring to another statement you have given, that a vessel sent out to fish with a crew engaged on shares would make a profit of between \$2,000 and \$3,000 a season, do you think that many other kinds of business pay better than that?—A. No; I do not. I believe that no larger profits have been made than those secured by the American fishermen, when fishing was good, and when they caught a sufficient quantity of mackerel. I believe that they then made, what you may term, "golden voyages." They admit that themselves. They have never denied it.

Q. Have you formed any opinion about the scarcity of the mackerel during the last two years in our waters and their return this year?—A. My opinion is that the Americans not having frequented our waters during this period, as a matter of course the mackerel have increased in number. This must necessarily be the case in every similar instance where, as I may say, you have persecuted any fish and completely annihilated them. You must then give them time to recuperate in order to have them return again. An excellent instance of this is now afforded with respect to the river at Dalhousie. This was a river from which, at one time, there used to be sent to Halifax from three to four schooner loads of pickled salmon, and I have seen the time when that same river could not produce fifty barrels of it. Well, now, since that river has been protected, and since this protection has been followed out, and strictly followed out, the salmon have there again become plentiful; and so it is with every kind of fish; this stands to reason.

Q. So you would attribute the abundance of the mackerel found during the last two or three years in American waters to the fact that their vessels had been swarming in our waters, thus giving the fish in their own waters a rest?—A. No. These fish always belong to our own waters.

Q. But what has been the case during the last two years?—A. The fact is that there were none in any waters, comparatively speaking, compared with what there had been in former years. None were caught, comparatively speaking, anywhere; that is to any extent. They had not been caught in the large quantities which had been customary.

Q. I thought that these fish were to be found in their own waters?—A. What do you call their own waters?

Q. The waters on the American coast.—A. You don't mean to say that mackerel breed on the American coast?

Q. I know nothing about that.—A. I doubt it very much. It appears to me that wherever mackerel or any other fish are found to be full of spawn, inshore or on a coast, that must be the place where it is going to breed. That appears to me to be as plain as possibly can be.

Q. Then you are of opinion, and you are sure, that the mackerel breed in our waters?—A. That is my opinion. I may be wrong. I don't say that I am right.

Q. That would not prevent the mackerel breeding in American waters?—A. I do not dispute that.

Q. You are sure of the fact that the mackerel breed in our waters?—A. I am sure of it.

Q. Do you know what the opinion of the Americans is on that point?—A. No; I do not. I have never spoken to an American captain on that subject.

Q. What evidence have you to support the statement that the mackerel breed in our waters?—A. The very fact that when you catch mackerel in our waters you find them full of spawn. This is the most simple fact in the world. When you go up a river and catch salmon in a pool, just ready to spawn, it is evident that this is the most simple proof that they are going to spawn. You find them in the pool and they will not turn back and go down the river again to spawn. So it appears to me is the case with all fish, without exception. I do not mean to say that this is true with regard to mackerel more than with any other fish. I believe that all kinds of fish are alike in this respect; wherever you catch them full of spawn, there they are going to spawn.

Q. When the American vessels frequented our waters in great numbers, was this the occasion of some trouble, not only at sea, but also on shore?—A. I am not aware that any trouble occurred at sea beyond this—on several occasions they have dropped in among a lot of our boats engaged in fishing. Perhaps the American vessels would come up to the number, say, of from thirty to fifty, and all close to each other. I have on more than one occasion seen an American schooner drop in and come to anchor among these boats, which thereupon would be obliged to leave.

Q. Why?—A. Because they could not then catch any more fish. The rule followed by the American vessels is to throw the offal overboard, and the moment they do so the mackerel go to them, and our people have to move off.

Q. Owing to their throwing overboard offal and bait?—A. Both; they throw offal over, and, on the other hand, on more than one occasion—for so I have been told by the fishermen—the Americans have driven them off the fishing grounds, and told them, "You must get out of this; we won't have you near us." As to this I speak merely from hearsay.

Q. The fishermen who live on that part of the shore fish in open boats?—A. Yes, they all do so.

Q. And no one of them is able to resist the crew of a schooner?—A. No; they never think of it.

Q. Now, will you tell us whether any trouble has taken place on shore?—A. Trouble has occurred on shore on several occasions, though not in a great number of instances. On several occasions, where a number of crews have landed, they have considered themselves, I suppose, the masters of the field, and that they could do as they pleased; and, unfortunately, where they have obtained liquor—this is the cause of all the mischief—they have committed a great many excesses.

Q. Do the Americans throw offal overboard from their vessels when near the shore?—A. Invariably; what else can they do with the offal? It stands to reason that they would not bring it to the shore. The difference between them and our people is this: the latter bring in their fish round, as they call it, that is, without being split or having had anything done to them, and on the beach the fish are split and attended to. Consequently they do not throw the offal into the sea; in fact a law which is intended to prevent it exists, and they dare not do so, while

the Americans, who do not come on shore, and who are always afloat, will not take the trouble to bring the offal ashore, but pitch it overboard wherever they split the fish. This is the case with those similarly situated, whether on an American or on any other schooner. It does not matter whether the vessel be American, Nova Scotian, a New Brunswicker, or Canadian.

Q. What is the effect of that practice?—A. The effect, first of all, is that the offal attracts the fish from all around to the spot where it is thrown. Another opinion has also been expressed in this relation, and I think it is likely to be correct. It is this: that this offal, as a matter of course, must very soon become putrid, and when it becomes putrid it must become poisonous, precisely in the same way with regard to fish as it is for us to eat putrid fish. At least that is what I fancy to be the case. I do not know whether I am right or wrong, but that is my impression; and therefore this practice destroys the fish—the young fish particularly.

Q. Do you think that when they have thrown offal overboard so near the shore you would smell it while the tide was low?—A. No.

Q. It would be farther off than that?—A. It would be thrown outside.

Q. Have you seen any of this offal brought ashore by the tide?—A. O, well, this might have been the case. There is such a quantity cast along the shore that it would be impossible to tell, but I should say that, as a rule, when thrown overboard this would not follow, unless a very heavy storm should set in immediately afterward. Otherwise I should say it would remain where thrown. It is generally cast overboard in deep water, and consequently it would be likely to remain there.

Q. Do you know the motive which has induced our legislators to prevent our people throwing offal into the sea?—A. It is precisely what I just now explained to you. This practice is considered to be injurious to the fish; also, when they are glutted—so the fishermen all tell me—with the offal which has been thus thrown overboard, fish will not bite. That stands to reason; they are so full of it that they will not then touch anything else.

Q. Do you know anything of the mode of fishing followed by the Americans?—A. The mackerel are all caught by them with seines and hand lines; bobbing, as they call it. This latter method is principally pursued by them.

Q. Is seining a system which is not calculated to do any harm?—A. On the contrary, all seines must, more or less, do harm. Seines of every description have such an effect.

Q. Why?—A. Because they destroy the small fish; that is the reason why. If you could seine where there was no small fish, and no young fry growing up, then it would do no harm, I admit; but I believe that along our shore you cannot seine anywhere without catching a good many small fish, and when this is done, as a matter of course, these are all very much knocked about. A few of them may live, but the number that does must be very small. The seiners do not trouble themselves to take the small fish up, but throw them away.

Q. What proportion of the catch of the seine would be thrown away as useless—one-tenth or one-sixth?—A. That varies according to the place and the fish that the seiners are trying to catch. Sometimes it may be more and sometimes it may be less.

Q. Suppose that we could not agree with the Americans when these twelve years have expired, as to an arrangement concerning these fishing privileges similar to that which at present exists, what would you

prefer, the present system, with Canadian fish admitted free of duty into the American market, or the imposition of a duty of \$2 a barrel on mackerel and \$1 on herring by the American Government?—A. I would prefer the present system with the restoration to us of the three-mile limit. That is what has heretofore been the system, affording us the sole privilege of fishing within the three-mile limit.

Q. And the payment of a duty?—A. Most decidedly.

Q. Have you any idea what regulates the price of fish—in Gaspé, for instance; what regulates the market-price?—A. The foreign markets.

Q. Is there a period of the year when this is done?—A. The time when this is done, is, I am sorry to say, an unjust one. The great house of Robins has supreme sway, and they do as they please; they only state the price which they will give, either for green or dry fish, generally speaking at the end of July, and sometimes in August.

Q. You now speak of cod fishing only?—A. Yes; because they do not deal, speaking particularly, in anything else.

Q. The price of mackerel is not thus fixed?—A. They do not trouble themselves about mackerel at all, they catch so few of them save for bait. It is the American markets which altogether regulates the price of mackerel.

Q. Have you ever had occasion to compare the cod-fish taken on the Newfoundland shores with those taken in off the gulf by the different houses you have mentioned?—A. There is one thing that is well known, and which cannot be contradicted, and this is, that the Gaspé fish always fetch a higher price in the Portuguese, Spanish, Italian, and Brazilian markets than any other fish, wherever they may be caught. It matters not where other fish may come from, this has always been the case within my recollection.

Q. That is due to the fact that these fish are better, or better prepared?—A. It is because they are better prepared. I am not aware whether the fish are better, but they are better and more carefully prepared. I believe that other fish might be cured as well if the fishermen took the same trouble with them; but they do not.

Q. These fish, I suppose, are cured at leisure, on the shore in Gaspé, while in Newfoundland it is not always so convenient to do so?—A. There is another disadvantage under which the fishermen labor in Newfoundland and on a great portion of the Nova Scotian coast. Their shores are more foggy than ours. We have more clear weather, and there is nothing worse, with respect to the curing of fish, than fogs. This is about the worst weather that you can have for the purpose.

Q. What reason could you give in support of the opinion that the continued frequenting of our waters by American fishermen would be injurious to our fisheries?—A. Well, this is due to the very fact, you may say, that they sweep the sea of every fish that swims in it. Wherever they may pass they clear all the fish out; with regard to mackerel, for instance, they leave none at all.

Q. They come in such numbers and are supplied with such appliances?—A. They take such an immense quantity of fish, and they so completely sweep them out of these waters, as it were, that there is nothing left at all. They are so accustomed to it that they will follow the fish from cove to cove and all around the coast, and, by means of their system of fishing, they will catch the whole of them. This system is not practiced by our people at all. They do not understand it.

Q. This is especially owing to the great number of their vessels that come to our waters?—A. Exactly; as a matter of course, the more vessels that come the more fish are caught.

Q. I suppose that a large portion of our population would be reduced to poverty if these fisheries were ever destroyed ?—A. Undoubtedly. I suppose that the house of Robins alone employs about 2,000 men. This is no exaggeration.

Q. Do the Americans fish more largely for mackerel than for cod ?—A. They also fish largely for cod.

Q. On our shores ?—A. I mean in the gulf.

Q. In the Province of Quebec ?—A. Yes. For instance, take halibut. An immense quantity of halibut go to the American market—to New York and other places. You will see them quoted there continually. In the Forest and Stream, which I take regularly, the price of this fish is steadily quoted; and almost all of them are caught on our coast, and not only is this the case, but they are caught within the three-mile limit, because you cannot catch them outside of this limit; so this is proof positive of the fact that they are caught within the limits.

Q. Are many halibut taken, or has there been many caught, if the catch has decreased ?—A. Such immense quantities have been caught that the vessels used to take as much as from 30,000 to 40,000 pounds of this fish to the New York markets at one time. I have seen numbers of vessels reported as having taken such a cargo.

Q. You say that the most of these fish are caught either in the bay or within the three-mile limit ?—A. They are all caught within the three-mile limit—without any exception. I believe this is what I have understood from our fishermen. They have told me positively that halibut cannot be caught in deep water. You will of course catch an odd fish occasionally there; I would not say you would not catch any in deep water; I would be very sorry to say that halibut cannot be caught in deep water, but as a rule they are taken along the shore.

Q. You say you have heard that; did you only hear it from our fishermen, or have you also been told so by the American fishermen ?—A. I have never spoken to any American fishermen about halibut fishing. Our own fishermen have told me so; they have informed me that all the halibut are caught within shore. I was lately speaking to a gentleman who has been for fifteen years on the north shore, and he told me it was impossible for them to catch halibut except within the three-mile limit.

By Mr. Foster:

Q. You came here from Jersey in 1845 to be superintendent of the business of the company you have mentioned ?—A. Not from Jersey, but from London.

Q. But you are a native of Jersey ?—A. Yes.

Q. And you came here to be superintendent of this Gaspé Fishing and Coal Mining Company ?—A. Yes.

Q. Was their chief business connected with coal mining ?—A. No; but with fishing; this was the principal part of their business.

Q. How long did that company continue in existence ?—A. But a very short time, I am sorry to say.

Q. The business was not profitable, I suppose ?—A. No.

Q. And then from that you went into the various branches of business in which you told us you had been engaged; but your personal observation has been principally confined to the cod fishery ?—A. Yes.

Q. And that goes back to 1845 ?—A. Yes, and even previous to that, because I previously shipped cargoes of codfish from Jersey.

Q. But you were not here then ?—A. No; I was never on this coast until 1845.

Q. Now, you say that great numbers of Americans came here until the civil war broke out, and that they then vanished as if by magic!—  
A. Yes, for a time.

Q. That was in 1861!—A. Yes.

Q. When did they begin to come back!—A. After the war was over; some two or three years afterwards, and then a few more came.

Q. How long did the war last, to your recollection!—A. If I remember aright, three years, or thereabouts.

Q. It was rather longer, was it not!—A. Yes.

Q. This would carry you along from 1861 to 1865!—A. Yes.

Q. Were many Americans here in 1865!—A. Not so many as there were previous to the war.

Q. How nearly as many were there!—A. I should say there were not one-half of the previous number.

Q. How was it in 1866!—A. There were not even half that number here then.

Q. How was it in the following years, 1867, '68, and '69!—A. Within the last few years there were scarcely any here; at least, this was the case on our shore. I am not saying that this was so elsewhere. I am speaking of the vicinity of Perce.

Q. But still you have a general knowledge of the Gulf of Saint Lawrence!—A. Yes.

Q. Running up almost to Labrador!—A. Yes.

Q. And the number of American fishermen coming to that vicinity has been diminishing right along for the last ten years. Is this not so!—A. Yes.

Q. Until now, when very few, indeed, come!—A. O, Mr. Savoie, captain of the Lady Head, told me that when he was passing through the gulf, the other day, he supposed he must have seen nearly two hundred American vessels.

Q. So you think that nearly two hundred have come back this season!—A. I am merely telling you what I have been informed.

Q. Just in time for the Commission!—A. I have not seen them.

Q. But hardly any American vessels have visited these waters during past years!—A. I have seen very few of them.

Q. This would be going back to 1862 or 1863, at least!—A. Yes.

Q. The codfish that your people catch they catch and sell to these Jersey houses!—A. Yes.

Q. And they are so much in the power of the Jersey houses that the latter set the prices, and your fishermen have to submit to it!—A. Precisely.

Q. And this is considerable of a hardship!—A. Yes.

Q. These houses do nothing with regard to the mackerel fishing!—A. They do not interfere with the mackerel at all, save in order to secure bait. When the mackerel are at all abundant a small quantity is caught and sold. I have known as many as twenty or thirty barrels caught, but then that is nothing compared with the other quantities that are taken.

Q. They do nothing in mackerel as an article of trade!—A. No, they do not; because they do not fit out for this fishing. This is the reason they cannot compete with the American schooners; it is impossible.

Q. In their boats!—A. No.

Q. And so your men that want to pursue the mackerel fishery find it necessary to go into American vessels!—A. That is the only chance they have.

Q. And thousands of them are employed on American vessels?—A. O, not thousands.

Q. Not thousands?—A. I should say not, decidedly.

Q. How many are so employed?—A. There may be a few hundred, but I could say decidedly not thousands. I should say, as far as I know—I am not very positive, as I am merely speaking from what I have heard—that so many were never employed during all the time when so many American vessels were in our waters; and this is going back to the time before the civil war.

Q. Do you really think that their catch would average from 500 to 700 barrels?—A. No; I stated, as you remember, that it would be according to the size of the vessel; and a vessel of 50 tons surely could not carry 700 barrels, or 500 barrels either.

Q. But in making up the average you take the catch of the small in with that of the big vessels?—A. O, well, the average would be very much below what you state.

Q. Take all the American vessels you used to see there, large and small—those whose tonnage ran down to 50 and those whose tonnage went up to 200 tons—you have estimated their average tonnage at, I think, from 70 to 75 tons; now, give us the average catch?—A. I should judge that the average catch would be from 300 to 450 barrels.

Q. Is that for one trip?—A. O, yes.

Q. And you think in those years, when there was so many of them here, and when the fishing was good, their average was from 300 to 450 barrels a trip?—A. Yes, sir; I do.

Q. Then they used frequently to go to the Gut of Canso and tranship their cargoes?—A. So they have told me; I don't know it personally.

Q. And how did you understand that they sent these cargoes to the United States?—A. Other and larger vessels would take them.

Q. They found these larger vessels there?—A. Yes; a large vessel would take the cargoes of two and three schooners, perhaps.

Q. Then Mr. Doutre asked you the question whether this did not double and triple their profits, and you answered "precisely."—A. This would not be the profits, strictly speaking, but the voyages. As a matter of course, if they can make three voyages instead of two, then they increase their profits, but they do not double them.

Q. You do not mean to say that they thus double or triple their profits?—A. O, no.

Q. Sometimes a vessel will make three instead of two trips in the course of the season by transshipping?—A. Yes.

Q. And you gave an illustration concerning the Jersey coast, with reference to oysters; what was it?—A. I said that this mode was precisely like that of vessels which caught oysters there. They never take the oysters to market. This was the invariable rule, without any exception; all the vessels there are cutters, not sloops and schooners, and a large cutter would then come and take the cargoes of perhaps seven or eight fishing-vessels to market. This was always the way.

Q. The oysters were taken to London?—A. To London, or wherever might be the destination.

Q. They caught the oysters within British jurisdiction?—A. Yes.

Q. And took them to the English market?—A. Yes.

Q. In speaking of the coasting voyage, you said you had understood that it required from 100 to 125 barrels to pay the outfitting?—A. The actual outfitting.

Q. Was this before anything was to be divided among the crew?—A. O, certainly. It would take that before anything was divided.

Q. So that if the voyage produced only 100 or 125 barrels, the crew would get nothing if they were on shares?—A. The crew would, nevertheless, have one-half of the quantity caught, you understand. Whatever the quantity might be, the crew would get one-half of it.

Q. Then this would result in being the loss of the owner?—A. Yes; when I spoke of the 120 barrels, I meant that it would cost the merchant so much to fit his vessel out; but that has nothing to do with the division of the catch between him and the crew. This is a different thing altogether.

Q. And that would be from 100 to 125 barrels?—A. I should say that this would be about the average, as far as I am aware of.

Q. This is founded on the supposition, I suppose, that the average size of the vessels would be from 70 to 75 tons?—A. Yes.

Q. Well, now, these opinions that you have expressed as to the disadvantages of the present arrangement, and the injury to you fishermen sustained by allowing the Americans to come in within three miles of the shore, are your opinions as to what would have been the case if they had kept coming in as they did in former years, I suppose. You have not suffered from the Americans coming in for the last four years, because they have not come?—A. No; and consequently the fishing has improved. During the last four years we have had an extraordinary catch of codfish.

Q. Do you really mean to say that there has been any considerable number of American vessels catching codfish inshore about where you are?—A. Not so much inshore as outside.

Q. Whereabouts?—A. On the Banks.

Q. Then you have not near your own shores suffered from American fishing, have you?—A. Not so much.

Q. You know that they came to the Banks?—A. I say that they generally kept out on the Banks in order to catch codfish.

Q. All the world knows that the cod-fishery is deep-water fishery?—A. They do not come so very much inshore.

Q. How many Americans fish for halibut?—A. I cannot tell you.

Q. How many do you think do so?—A. As many as 5, 6, and 7 different American vessels have been seen fishing for halibut during the summer.

Q. And they catch the halibut within 3 miles of the shore?—A. They tell me that the halibut are caught within these 3 miles.

Q. Off our coast they are generally caught from 10 to 15 and 20 miles out to sea?—A. As a rule, that is not our case.

Q. They are got within those 3 miles?—A. They are caught all along the shore; and I will tell you this in proof that such is the case. Our fishermen, of course, if they can catch halibut, are very glad to get them, though they are not sought for by Robins and Co., &c.; still they are glad to secure these fish for their own use, but it is a very rare thing for them to catch any halibut.

Q. The Jersey houses have oppressed you a good deal?—A. Not me, so much.

Q. But your people?—A. I do not suppose that they have done these people any good.

Q. I understand you to say that the codfish cured in your vicinity commands the highest price in the markets of the world of any codfish found in them?—A. As far as I am aware, this is the case. I believe it is.

Q. And the climate of Newfoundland is vastly inferior for the curing of codfish to yours?—A. That is the general impression. This is because

they have a damper climate than we have. Ours is the drier of the two.

Q. It is a moist place and is possessed of no particular advantage for the curing of cod?—A. The fact is, that wherever the weather is moist you cannot cure codfish so as to make it perfectly dry. No moist cod-fish can be sent, for instance, to the Brazils. For that destination, to use a vulgar expression, the cod must be as dry as a bone. If it is not so, it won't get there.

Q. Even the Icelanders think they possess the best land the sun shines on, and you would be a little surprised to hear that the climate of Newfoundland was possessed of superior advantages with respect to the curing of codfish?—A. Yes, I would, indeed, and very much so.

### No. 13.

**FRIDAY, August 10, 1877.**

The Conference met.

JOHN JAMES FOX, collector of customs, registrar of shipping, and overseer of fisheries, at Amherst Harbor, Magdalen Islands, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. How long have you been living at Amherst?—Answer. For 26 years; I have been a customs officer for 25 years.

Q. Have you held the offices of which you are at present in charge all that time?—A. Yes.

Q. It is your business to keep a record of the shipping that enters your port?—A. Yes.

Q. Have you got such a record from 1854 up to the present time with you now?—A. I have a statement of the herring caught in Amherst Harbor.

Q. Have you any statement of the number of vessels that enter the harbor?—A. No. They vary so much.

Q. Have you not got with you the entries for each year?—A. No.

Q. Do all the American vessels, when they come into the harbor, enter?—A. They report, like our own coasting vessels.

Q. Can you tell me, either from your recollection or from the official records, how many American vessels entered Amherst Harbor during 1854?—A. There were over 100.

Q. All fishing-vessels?—A. Yes.

Q. What is the practice of these vessels when they come into the harbor and frequent the Magdalen Islands?—A. They fish with seines near the shore.

Q. How far from the shore?—A. On the shore; all the fish are near the shore.

Q. Have they landed during and since 1854?—They have always pursued the same manner of fishing.

Q. And landed?—A. Yes.

Q. Could they take the fish in seines near the shore without landing?—A. Not about our way.

Q. As a matter of fact, do they ever seine except from the shore?—A. They fish with purse seines outside.

Q. But as a matter of fact, do they seine within the three-mile limit except from the shore?—A. No.

Q. They seine from the shore altogether?—A. Yes.

Q. Before the ratification of the Treaty of Washington, whenever they took fish inshore, what did they do with them?—A. The seines were

hauled near the shore; the boats were loaded from the seine, and the fish were taken on board the vessel, where they were salted.

Q. They did not take the fish from the shore themselves?—A. The seine is hauled to the shore.

Q. And the boats are brought alongside and the fish are dipped out of it?—A. Yes, they are then put on board, salted on deck, and put down in bulk.

Q. You are now speaking of herring?—A. Yes. A few vessels came to Pleasant Bay for mackerel in 1852 and 1854, and fished with nets; but this practice was then discontinued until within the last few years.

Q. Has there not been mackerel fishing within three miles of the shore around the islands from 1854 up to the present time?—A. O, yes, they came quite inshore occasionally; and when this is the case, the vessels come and generally anchor with our boats.

Q. Is there good boat-fishing about the islands?—A. Yes, it is very good; and mackerel have been abundant during the last few years.

Q. Do the inhabitants of the islands pursue the boat-fishing largely?—A. Yes, a great deal. It is their chief support now.

Q. Has this fishing increased or decreased of late years?—A. It has increased.

Q. From year to year?—A. Yes.

Q. What is the reason for it?—A. We have not seen as many vessels there of late years as formerly. The fish are decoyed off shore.

Q. What sort of fish do these vessels decoy off shore?—A. The large and the best fish are generally found inshore; and to get at them the vessels must come in very close. Of course, it is dangerous for vessels to come very near, and so they throw out bait and thus take the fish off into deeper water where the vessels are safe, and there catch the fish.

Q. And when they commence to do so, this ends the bait-fishing?—A. Yes; the boats do not then take many fish.

Q. Do the schools of mackerel come back after the vessels leave?—A. Not the same day, but afterwards they may. The mackerel are what we call a windward fish. They always endeavor to keep in smooth water and to the windward.

Q. When you call them a windward fish do you mean to imply that they come in with the wind?—A. They come inshore against the wind, until they find smooth water. Whenever the water is rough they go to the bottom.

Q. When the wind is blowing off shore where do they go?—A. They come in near the shore and so near it that at times it is dangerous for vessels to approach as close. In fact, sometimes during former years and the last three and four years vessels have come with boats, which they use to catch the fish near the shore.

Q. Do I understand you to say that when the wind is blowing off shore the mackerel come in?—A. Yes.

Q. Will you state to the Commission the mode by which the Americans cure their herring when they take them? What do they do with them?—A. They are salted and cured in bulk, and afterward taken to the United States and smoked.

Q. They are salted on board the vessel?—A. Yes; in the harbor.

Q. And thrown in bulk in the hold?—A. The fish are salted on deck, and thrown below; and when taken to the United States they are taken out, washed, and smoked, and packed in boxes.

Q. In what other way are they cured?—A. During the last few years they have been prepared for the Swedish market, and packed in barrels. Most of them are taken to the United States and smoked; but

during the last year or two a market has been opened for them in Sweden, and it is necessary to pack the fish in a particular manner in this relation. Greater care must be taken with them. Large profits are realized out of this trade.

Q. I always understood that there were large bodies of fish off the coast of Sweden; how happens it then that herrings are exported to that country?—A. This is a new market opened within the last year or two. Last year only one vessel went directly to Sweden, taking 900 barrels; but this year five have gone.

Q. American vessels?—A. Yes.

Q. Has the herring fishery on the Swedish coast failed?—A. I presume so.

Q. How has this market been opened; by treaty, or owing to the failure of the Swedish fisheries?—A. I understood the latter was the cause. The Norway fisheries have failed.

Q. And this year five vessels have been fitted out for that country?—A. Yes; five, of 800 or 900 tons burden, and requiring some 8,000 or 9,000 barrels of herring.

Q. Of course all these fish are packed in barrels?—A. Yes.

Q. Where do these barrels come from?—A. The United States.

Q. The vessels bring the barrels with them?—A. The majority of them do so, a few may be purchased here, but they are brought chiefly from the United States in consequence of a superior make being required. A barrel larger than the ordinary size is needed. These hold from 220 to 240 pounds of fish, while the ordinary barrel only contains 200 pounds.

Q. Where are these herring packed—on ship-board or on land?—A. Some are packed on land in the harbor; they land the barrels, having asked permission to do so, pack the fish at their leisure, and then take them off to the vessel.

Q. Did they ask permission of you as collector of customs to land the barrels? They pay no duty on them?—A. No.

Q. As a matter of fact you let them land the barrels there, and some of them pack the fish there; at all events they take the barrels off to their vessels as they want them?—A. Yes.

Q. What advantage do they say they derive from the privilege of landing those barrels?—A. It gives them this advantage: unless they did so, they would have to bring other vessels to act as lighters. For instance, there was the Hattie H. Grove, of Gloucester, which required 3,000 barrels; these could not be coopered on the ordinary deck of a vessel and packed, so they land some 300 or 400 of the barrels on shore, and the others they put on board the vessel.

Q. By placing the barrels on shore they save lighterage?—A. Yes; and pack them at their leisure, and take them off.

Q. Saving lighterage?—A. Yes.

Q. And a vessel catches more fish than if she had to carry the barrels?—A. You understand that these herring strike into the shore and they must be caught before spawning, when they are full. They strike in schools, as it is termed, and remain for one day, or perhaps for one or two days at intervals; there will perhaps not be more than two schools during the whole season. The consequence is that when the fish strike in the fishermen have to catch as many as possible to fill the empty barrels which are on shore—from 100 to 150. The fish are first salted, and when they have settled in the barrels, more fish are put in, and they are taken on board the vessel. If they were not packed the second time, when the vessels arrived in Sweden, the barrels would be one-third empty. Last year one vessel came and worked that way, not re-

packing, and putting the fish in the hold without letting them settle, and thus they lost a considerable amount of money.

Q. Could that fishery now be carried on for the purpose of shipment to Sweden unless they had the privilege of landing?—A. It could be, if they had other vessels to assist them; if they had lighters chartered with that object in view.

Q. This would add to the expense?—A. Yes; one company had two vessels to carry the barrels and to pack the fish in, taking them from one vessel to the other; and of course this involved great expense.

Q. How long is that ago?—A. It happened this season. One of the tenders was in charge of Captain Howe, who was pilot of the yacht which went out of port the other day.

Q. Could they not have avoided that expense by landing the barrels?—A. Certainly, as to a portion of it. A part of the time would be employed taking fish. The crew fish, while the vessel is also used as a lighter.

Q. What do the American captains say about the privilege of landing barrels?—A. They have not said a great deal about it. Of course this is new trade, but if it was not an advantage they would not ask permission to land.

Q. You have not thought of charging them a duty on the barrels?—A. No; I have never done so. They asked permission and I allowed them to do so. This trade is only in its infancy, and different regulations respecting it may hereafter be made. I have reported the fact to the department, but I have not received any instructions this year with respect to it. Of course, strictly speaking, they should be subject to warehouse regulations.

Q. Strictly speaking, what would be the result of this practice?—A. They would have to pay a duty of  $17\frac{1}{2}$  per cent. on the cost of the barrels, and these are worth about \$1 each in the United States, or they would have to pay for warehousing. This would, perhaps, cost a couple of hundred dollars. Warehouse rent with us varies from \$50 to \$200. Under this system the fish are packed at a very low rate. I am informed by the Americans themselves that they can sell them there at \$2 a barrel when ready for market.

Q. Will you tell me from the official record what has been the export of herring or other fish by Americans, for the different years that you have been at the port of Amherst, from 1854 up to the present time?—A. About 600,000 barrels have been entered outwards, and about one-half of the vessels that fish there won't report. I have no account of them. They fish outside.

Q. Six hundred thousand barrels have been entered outward since 1854?—A. Yes.

Q. And only about one-half of the vessels that went out have reported?—A. Yes; at least one-half, I might safely say, during that period did not report. They lay outside in the shore—over half a mile from the shore.

Q. That would make over a million of barrels caught there?—A. Yes.

Q. You would be safe in so calculating the catch?—A. Yes.

Q. What would they be worth in the American market?—A. We value them on board at \$1 a barrel.

Q. As they are caught?—A. Yes. They would be worth a great deal more in the United States.

Q. Do the Americans come very largely to your neighborhood for bait?—A. Yes; a great number come for it.

Q. How do they get the bait?—A. Forty or fifty will come for it.

Q. How do they take it?—A. They catch it.

Q. Inside of the three-mile limit?—A. The chief place for catching it is at Grand Entry Harbor. It is the nearest place for the fishermen who come from Cape North. It is at the east end of the island. They come into the harbor, anchor, and set their nets.

Q. Do they set their nets on shore?—A. Yes. It does not take more than one or two days at the farthest to catch all the bait they require. This would be about 50 barrels.

Q. They set the nets on shore?—A. Yes; in the lagoons.

Q. Are the nets fastened to the shore?—A. Yes; to stakes placed in the ground.

Q. Do you mean above high-water mark?—A. Yes; in the lagoons.

Q. What is the rise and fall of the tide there?—A. About three feet. The lagoons of the islands have a strange formation. They run between two sand beaches, and a small channel lies between. In one large lagoon there is a distance of 20 miles between the beaches, and it is there where the bait is caught; sometimes also in Pleasant Bay. On first seining, bait will be taken from the seines.

Q. Do they want this bait for codfishing?—A. Yes.

Q. Could they carry on this fishing if they had not this privilege of securing bait?—A. If the fishermen have no bait they catch no fish.

Q. If they had not this privilege for securing bait, they could not prosecute the codfishing?—A. They have this advantage: the place is so near, and they obtain ice at the same time. A portion of the island is of the red sandstone formation; the sea has made large holes of the nature of coves into it, and snow which has drifted and ice which has formed in these places in winter, are found there until the middle of summer.

Q. They get the ice there in these coves?—A. Yes; and they also take bait in the vicinity.

Q. Do they consider that this is a great privilege?—A. Of course. If they did not have it, they would have to purchase at the Strait of Canso. They cannot keep the bait without ice.

Q. And here they procure it for nothing?—A. Yes.

Q. And they cannot get it without landing?—A. No; they must land for it.

Q. To what extent is the mackerel fishery prosecuted around these islands by these vessels?—A. Sometimes we see a good many vessels around the islands, but they stay only for a very short time. The weather is so stormy that they cannot remain long.

Q. How long does the mackerel fishing continue there?—A. These fish come in and spawn about the beginning of June. At that time they won't take the hook. They are blind and cannot see. They then leave and in about a month after spawning, they take the hook. This season they did so about the 6th of July. When they return, the scales are removed from their eyes and they then bite.

Q. Do they first strike the shore in June before spawning?—A. Yes; about the first of June.

Q. And they are then blind?—A. Yes.

Q. How long do they remain in that state?—A. Until after they spawn. They spawn in not more than five, six, or ten days at the farthest. We seldom have fishing for more than three nights afterwards, when they disappear again. They then come into deep water.

Q. Do they come back again?—A. We catch them with the hook

again in July, from the 5th to the 6th, 8th, or 10th. This year I think it was until the 8th of July.

Q. Are the Americans in the habit of fishing for them during the spawning season?—A. No.

Q. The Americans do not fish for them in the month of June?—A. No; not at present. Formerly a few vessels did, but this has not been the case within the last few years.

Q. The fish are not in good condition when they are caught before spawning time?—A. They are then poor mackerel, and only worth from \$3 to \$4 a barrel. They are what are called spring mackerel, and are intended for the West India market.

Q. And in July?—A. They commence to get fatter in July and August.

Q. You say that they come on the 1st of June and spawn, and are blind at that time; where is their spawning ground?—A. They spawn in the gulf, around the Magdalen Islands, and on the Banks. I think they spawn all over the gulf where there are shoal spots.

Q. Do they, to your certain knowledge, spawn on the Magdalen Islands?—A. Yes; certainly.

Q. Have you observed them spawning yourself?—A. Yes.

Q. They spawn on the bottom, do they not?—A. Yes.

Q. Have you ever seen the spawn afterwards floating?—A. The spawn does not float, but the milt from the male does, and the water becomes white.

Q. Of course the ova are at the bottom?—A. Yes.

Q. It does not float?—A. No.

Q. You are quite sure that you have seen the milt floating?—A. Certainly.

Q. Do they spawn in large numbers around the Magdalen Islands?—A. It varies with the winds. These fish are entirely governed by the wind and weather. When a southwest or westerly wind prevails they go into Pleasant Bay, in smooth water, and when the wind is opposite they go outside to spawn. The same rule holds good with the herring. These fish are at times so thick in the water at this season that you cannot cross the water where they are in a boat.

Q. What is the depth of the lagoons?—A. From two feet to three or four feet. Narrow chaunels lie between their shores; at high water, the depth is about five feet. You cannot catch herring in quantities in the lagoons, where the bottom is not good. One of the lagoons extends for eight miles; and some of the land on the island is six hundred feet high.

By Hon. Mr. Kellogg:

Q. Do I understand you to say that the fish spawn all around these islands?—A. Yes.

By Mr. Thomson:

Q. Do the mackerel ever come into the lagoons of which you speak?—A. Not often; but sometimes they get a few of them there.

Q. Since the Washington Treaty has been in operation have the Americans put up any establishments on shore?—A. Yes.

Q. Where?—A. On Amherst Island.

Q. Where is that?—A. It is the point nearest Prince Edward Island.

Q. What kind of establishments have been put up?—A. Small fishing-houses, and also a dwelling-house.

Q. For what purpose?—A. To cure fish on shore.

Q. What kind of fish?—A. Mackerel and fat herring and cod.

Q. Do they take many mackerel inside of the three-mile limit?—A. Yes; the best fish are always inshore.

Q. How have the Americans for years prosecuted this fishery?—A. They stand in as near as possible to the beach and fish.

Q. Do they then come to anchor?—A. They usually drift in the ordinary mode. Sometimes they anchor when they find the fish abundant; they frequently anchor with our boats on the fishing-grounds. Of course, when they see our boats fishing, they run in, and if they find good fishing, they anchor, or else they would be driven off shore again.

Q. They do as it is proven they have done elsewhere—when they see our boats catching mackerel, they stand in and entice the fish out—do they not?—A. They did so, after the ratification of the Treaty of Washington and after the Treaty of 1854 was made. At all times they have fished so close to the shore that it is dangerous for the vessels to remain there.

Q. Then do they send boats in?—A. They generally have only one boat; but I have known them to hire boats at the island, and fish inshore.

Q. At what time—during the Reciprocity Treaty, or since?—A. During the treaty.

Q. Have they done so since?—A. Yes.

Q. Were they in the habit of doing so since the Reciprocity Treaty expired in 1866?—A. We have not seen many American vessels there since that treaty expired—not as many as was the case formerly.

Q. Have they continued the same mode of fishing since the Reciprocity Treaty expired in 1866?—A. Yes.

Q. Is there any mackerel fishing at all outside the three-mile limit?—A. There is occasionally; but it is not so good there as it is inside this limit.

Q. From your knowledge of the mackerel fishery there, would it be possible in your opinion for the Americans to prosecute this fishery unless they could get inshore, within the three-mile limit?—A. I suppose that they could, but not with the same advantage as they could otherwise, by a great deal.

Q. But they could not make successful voyages unless they could come within this limit?—A. They could not then fish successfully. I do not think it would be worth their while to come here if they were deprived of that advantage.

Q. You are aware that the Americans, under the Convention of 1818, had the right to fish on the shores of the Magdalen Islands, although they could not land there?—A. Yes, I always understood so.

Q. Suppose that they only exercised this right and did not land—if they were not permitted to land and fish inshore, and if they could not also fish inshore on the coasts of Nova Scotia, Cape Breton, Prince Edward Island, and New Brunswick, could they then, in your judgment, successfully prosecute this fishery?—A. You mean on the outshore grounds?

Q. Yes.—A. I do not think so.

Q. Suppose that the Americans were confined entirely to the body of the gulf, with the privilege besides of fishing inside at the Magdalen Islands, do you think that they could then successfully prosecute the mackerel fishery?—A. No, I do not; because the gulf is generally so rough that they require the inshore fisheries to anchor their vessels in; they might catch fish outside the three-mile limit, but they could not secure a great quantity. They require the shore to come in, anchor,

and dress their fish. I have known them catch fish about the Magdalen Islands and have to go to Canso to dress them, the water was so rough.

Q. It is your opinion that unless they had the privilege of coming within the three-mile limit to fish, or, in other words, that if they were confined to the body of the gulf, and only had the privilege of fishing around the Magdalen Islands, they could not successfully prosecute this fishery?—A. I do not think that they could under those circumstances.

Q. And during the twenty-five years that you have been there you have conversed, I suppose, with a great many American captains?—A. Yes.

Q. What is their opinion in this regard?—A. It is that it would be of no use for them to come into our waters if they had not the privilege of coming inshore. I remember a conversation which I had the year after the discontinuation of the issue of licenses with an American captain.

Q. This was in 1868 or 1869?—A. It was during the time that the cutters were on the station. This man complained that he had no fish, save very small ones. I asked him how that was, and he answered: "I will tell you how it is. I own one-half of that vessel, and this is all I possess in the world. I am a man who respects the law, and I do not come inside to fish, for fear that my vessel might be caught, when I would lose all that I have, but some of my neighbors, who are hired by Gloucester firms, fish inside the limits, because all they have on their coast is their bags, and if caught they would lose nothing. But I respect the law and keep outside, while they fish inside, get full fares, and go home with them."

Q. And all these persons who were hired by American firms were willing to run the risk of being caught, because they were not the owners of the vessels, while this man would not run that risk?—A. Yes.

Q. And he could catch no fish outside at all?—A. No; the fish are all inside.

Q. Where did he tell you that he had been fishing?—A. On the shore of Prince Edward Island, where the cutters were stationed.

Q. At Prince Edward Island?—A. Yes, and other parts where they fish.

Q. About the main-land?—A. Yes, on the coast of Cape Breton. We never ask them where they have fished, because we all know where they fish.

Q. It was in the gulf?—A. Of course.

Q. And he complained that he dared not risk his vessel by coming inside the limit to fish?—A. I asked him how it was that he had caught so few fish, and that was his explanation.

Q. I believe that it is only a very small proportion of the catch of mackerel in the gulf that is taken around the Magdalen Islands?—A. I should not think that more than the fifth or sixth part is caught there. Owing to the great danger incurred by remaining about these islands the vessels generally go to Prince Edward Island and Port Hood, and enter the harbor at night and anchor. The weather about the islands is very uncertain. Two or three years ago nearly ninety vessels put in there for shelter, and forty-five of them were wrecked on the following day.

Q. They put into Amherst Harbor?—A. They put into Pleasant Bay. This was in the gale of 1872.

Q. And you say that out of ninety some forty were wrecked?—A. Some forty two or three were driven from their anchors and wrecked.

Q. Was there loss of life as well?—A. Only two or three lives were lost, on one vessel.

Q. It is a very unsafe place at which to remain?—A. Yes. The water is very shallow, and it breaks over the bottom, and the storms in the fall of the year lift the anchors of vessels; but during July and the summer season it is safe enough to remain there.

Q. When does the stormy season commence?—A. It is always stormy there.

Q. Which is the dangerous season?—A. After the first of September we never see any vessels on the coast.

Q. It is safe, however, early in June?—A. The fishermen generally make a circuit of the gulf, going wherever they find fish. When they find them once they generally know where to follow them. The fish shift about to different localities.

Q. Is it safe for vessels about the islands in June?—A. O, yes.

Q. Which is the earliest date when it is safe?—A. In June. It is also safe in July and August. It is always blowy there, more or less. The formation of the islands is such, being sandy—they are formed on the same principle as the West Indies—that early in the year there is always a rush of wind across them.

Q. I understand that the coast of the Magdalen Islands is always dangerous, and that in June, July, and August navigation is always less dangerous there than at other seasons of the year?—A. Yes; there is no good harbor about them with the exception of Amherst.

Q. Vessels do not stay on this coast longer than they can help?—A. No; and for two reasons. One is that the fish are generally on the other shore, and fatter and better there; and the other is that the weather here is very uncertain.

Q. How long do the mackerel remain after spawning?—A. This is very uncertain. They may be in during the morning and disappear in the afternoon. The vessels follow the fish, which are always moving, and when they lose them at the Magdalen Islands the vessels run across to Prince Edward Island and learn of their whereabouts. The habits of this fish are very strange. They sink to the bottom whenever the weather is inclined to be stormy. It is just before storms that they are generally caught, and they then disappear.

Q. You have seen the American mode of catching them of late years with seines?—A. Yes.

Q. Have you seen the Americans use purse-seines?—A. I have.

Q. Will you tell the Commission your opinion of that system?—A. It is a very destructive system.

Q. Just describe to the Commission how it is done, and state its results.—A. When the fish come inshore and strike off, as it is termed, they may be found, perhaps, within a mile of the shore, in four or five fathoms of water. The seiners then surround the fish with seines, which are very long, some of them 200 fathoms in length; having surrounded them, they haul in lines which are placed on the bottom, and the seine is then like a bag or purse, the fish being all secured. There they have to remain until taken out at the leisure of the fishermen; and, if the weather be fine, this may continue for a day or a couple of days. The fish are taken from the seine and put into boats. The greater part is taken out, and a great many fish are smothered. If the weather becomes stormy, as is so frequently the case in the spring of the year, the fish are lost; they afterward drift on shore; I have seen such fish heaped along the shore to the depth of two feet, for a quarter of a mile; these had been destroyed by the use of these seines.

Q. For one-quarter of a mile they would be scattered along the shore to the depth of two feet?—A. Yes; this would be the case if the wind was on shore, but if off shore it would not be so.

Q. I understand that, if the weather is afterward rough, the dead fish will be thrown up by the surf on shore?—A. Yes; they will roll in with the surf.

Q. Would there be all kinds of fish amongst them?—A. There would be a good many flat fish, such as flounders. There would also be lobsters and small fish; these seines go right to the bottom, and there is no chance for any of the fish inclosed to escape.

Q. Would there be mackerel among them?—A. I have not seen the Americans seining for mackerel. It is to be hoped that they will not do so, or else they will destroy this fishery.

Q. You then refer to the seining of herring?—A. Yes.

Q. And mixed with them would be found flat fish, flounders, and lobsters?—A. Yes, and all kinds of fish of that description.

Q. And codfish?—A. Sometimes there would be a few of them.

Q. The effect of this seining is most destructive?—A. I have seen five or six different kinds of fish seined occasionally; all that are in the water in the neighborhood are caught, of course.

Q. This is very destructive to the fishery, is it not?—A. Of course. The breeding of the fish would be destroyed in the same way. I have heard Americans themselves say that they hoped these seines would never be brought into the gulf, or else these fisheries would be very soon destroyed.

Q. Have you ever talked with Americans or remonstrated with them regarding this style of fishing?—A. Yes; they themselves have often spoken to me about it. They said they hoped that their people would not bring their seines into the gulf for mackerel, as the practice would ruin our fisheries in the same way as had been the result of this mode of fishing on their coast. This was two or three years ago, when they were first introduced into the gulf. They thought fishermen should confine themselves to the hook and jigging, and give one another a chance. They were not favorable to this method.

Q. Do they all admit that it was destructive to the fishery?—A. Yes; this is generally admitted.

Q. Did you ever hear any one man defend it?—A. No. Of course, I suppose that those who use them would do so.

Q. Did you ever hear any one defend it on the ground that it was not destructive, nor uselessly destructive?—A. Certainly not. They often seine in parts of the gulf which are frequented by fat herring; a great many such herring are caught, but not being required, they are thrown out. Small fish are not required by these fishermen.

Q. Do these American captains admit that this is a destructive process?—A. Yes; but they say, "We are fitted out to come here, and we must catch fish, never mind whether it is destructive or not. It is our time to fish, and let those who come after us suffer."

Q. They are willing, for present gain, to allow future loss to be sustained?—A. Yes.

Q. What do these American fishermen do with the offal of their fish?—A. They throw it overboard.

Q. On the fishing grounds?—A. Yes; wherever they may be fishing.

Q. What is the effect of this practice, in your judgment?—A. I do not think that the throwing over of mackerel offal is often very destructive, because it contains a good deal of bait, but the throwing over of

cod offal is very destructive; besides, so many small fish are destroyed it poisons the fishing grounds.

Q. Why should not mackerel offal have the same effect?—A. Because so much of it is bait.

Q. Bait for what?—A. It is in considerable measure composed of bait which has been thrown to the fish. The fish follow the bait as it is thrown over, and when they are caught they are more or less full of it, and of course this is thrown overboard.

Q. Do you find that the offal of mackerel is eaten by the mackerel?—A. I do not think so. This goes to the bottom, but it is not so destructive as cod offal. They require bait to be very fine.

Q. The offal of the mackerel is still there, whether there is bait in the mackerel or not?—A. It is destructive, but not so much so as cod offal.

Q. I do not understand why, unless it is less in quantity.—A. It is less in quantity.

Q. Is that the only reason?—A. Yes.

Q. Then the throwing overboard even of mackerel offal is as destructive, as far as it goes, as cod offal?—A. It is not so.

Q. Why?—A. Because there is not such a quantity of it. It is, however, destructive in a measure undoubtedly, and is injurious to the fish, for the water would be polluted by blood and other matters. If it was thrown overboard while the vessels were at anchor, it would be more injurious than when they are drifting, because when drifting the vessels pass over a very much larger surface.

Q. Do they throw it overboard when at anchor?—A. Yes.

Q. And thus pollute the water?—A. Yes; because mackerel contain a great quantity of blood.

Q. Are you aware whether or not this drives the mackerel off?—A. It would do so from where they are fishing into good, clear water.

Q. Can you smell this offal at any time?—A. No; not when the mackerel-fishing vessels are drifting, but you can smell it very often when they fish near the shore.

Q. Where?—A. When the vessels are drifting outside; a mile from the shore, for instance.

Q. After this offal is thrown into the water, can you afterward smell it from the shore?—A. Not when the vessels are outside, but when the vessels have been inside the limit we have of course. This would be inside of the bay.

Q. That is where they throw it over in shallow water?—A. Yes. I should imagine that on other shores, where there are such large quantities caught, and where the vessels anchor at night, this practice, connected with the dressing of fish, would be very destructive; but I am speaking of the Magdalen Islands.

Q. I suppose that the water about the Magdalen Islands is a good deal troubled by storms?—A. Yes; it is very seldom or ever smooth there. But this is not the case around the shores of Prince Edward Island and Cape Breton.

Q. This practice would be much more injurious on the coasts of Prince Edward Island, Cape Breton, and New Brunswick, than around your island?—A. Yes; it would be much more destructive there.

Q. Have you ever conversed with Americans on the subject of the privilege which they have of landing on your island at all to procure snow, ice, &c.?—A. No; I have never heard it mentioned. They think that this is a right which they enjoy, and never raise the question.

Q. They do it as a matter of course?—A. Yes. The only difficulty I had was when Mr. Lavender, of Provincetown, first came there, three

years ago. Then my people told me he was not fishing the same as the rest, but with trawls. I went to him and spoke to him about it, but he told me that, by the Treaty of Washington, he had a right to fish where and how he liked; that it did not confine him as to the mode of catching fish, and that he could fish in any manner he liked, and had a right to do what he chose.

Q. How was he fishing?—A. With trawls.

Q. That is trawling in inland waters, within three miles of the shore?—A. Yes.

Q. What is the effect of that mode of fishing, in your judgment?—A. It destroys the mother fish, the large fish that come in to spawn. These fish come into these waters in the spring and deposit their eggs. The fishermen want the large fish but not the small ones, and a great many of the latter are consequently thrown off the trawls.

Q. You refer now to codfish?—A. Yes.

Q. Does this practice injure the cod-fishing to any extent?—A. Yes.

Q. Seriously?—A. Yes.

Q. Do the Americans take much codfish around these shores?—A. Their fishing is generally carried on outside.

Q. They chiefly come in for bait?—A. You can easily see the vessels with a glass.

Q. How far are they out?—A. Eight or ten miles. They are sometimes closer. About three or four years ago the islands were surrounded with these trawlers, who kept the fish from coming in there, and those who fished with hand-lines complained a great deal of the number of vessels that came in to fish; they were so close, and such a quantity of bait was thrown outside, that the fish would not come inshore.

Q. Do they often come and surround the islands with trawls?—A. Yes; during the cod-fishing season.

Q. What is the period for cod-fishing there?—A. There are two fisheries; one is called the Cape North fishery, and this generally begins in April.

Q. That is north of Cape Breton?—A. It is off the Magdalen Islands. The best fishery is about the light-house on Bryon Island, inside, and to the southeast and eastward of it. Here are fine fishing grounds, but it is a very dangerous spot. I have known a vessel go there, and in three weeks leave for home with 1,000 quintals, all of large fish. The other fishery comes in about in June, and then the vessels remain until the end of the season, during June, July, and the early part of August, until they fill up. This depends entirely upon the character of the fishing.

Q. How long is it since they commenced the system of trawling?—A. They have trawled for some years in the gulf. I could scarcely tell you how long.

Q. But around the island?—A. They have trawled there for the last ten or twelve years.

Q. And you think that the fishing has thus been injured?—A. Certainly; so many of the large fish are taken. The large fish, as they are termed, come in to spawn in the spring.

Q. What effect has this on the boat fishing of the islands?—A. When these fishermen are outside, within two miles and half a mile of the shore, the boat fishermen cannot catch anything. A man will have 10,000 or 12,000 hooks, and some vessels are furnished with three miles of line.

Q. How many American vessels would you say frequent the gulf and fish for mackerel each season, speaking from your own knowledge and

the information you have on the subject? Take during the time when the reciprocity was in force—from 1854 to 1866—what would the average number in the gulf then have been?—A. There were a great many some seasons, and afterward this was not the case; some seasons they would number a thousand and more.

Q. There would be over a thousand some years?—A. Yes; I remember being on board the United States ship Winooskie when we counted 500 in one body from the ship's masthead.

Q. Near the Magdalen Islands?—A. Yes; around these islands I should say that the average from year to year would be at least between 400 and 500.

Q. The average would be 450?—A. Yes; during the last year or two we have not seen so many of them, until this year, when more of them have come.

Q. Have you not conversed with the captains themselves and obtained from them information as to how many come each year?—A. Yes; I have asked them often, and some would say 1,200 or 1,500; others, 1,000, &c. Of course, the whole American fleet was in the gulf at the time.

Q. Would not the average be more than 450 each year?—A. I should think so.

Q. Would it not be nearer 600 or 700?—A. I would be safe in saying from 450 to 500.

Q. Are you personally acquainted with the fisheries on the coast of New Brunswick, Nova Scotia, Prince Edward Island, and Cape Breton?—A. Before I was in the customs I was a shipmaster, and I sailed about the coast some, and off the coast I have seen a great many fishing-vessels.

Q. Where is the best mackerel fishery, inside the three-mile limit or outside of it?—A. It is inshore. The large fish come close to the shore; for some reason or other, I don't know why, the small fish keep off. We call them tinkers in that stage.

Q. And tinkers are of no use?—A. They are no good. During the two years past myriads of them have been found in the bay around the Magdalen Islands. They are not larger than smelts.

Q. In two or three years they become large mackerel?—A. Yes; and the large fish come inshore to feed.

Q. Do I understand you to say that the tinkers, the small mackerel, keep out in the gulf, while the large fish are found inshore?—A. Yes; they come into the feeding grounds.

Q. You are now speaking of the shores in the gulf?—A. Yes.

Q. Do you know anything about the southern coast of Labrador?—A. I have never been to Labrador.

Q. Do the Americans catch many fish along the northern coast of Labrador?—A. There have not been very many there during the last few years; but in former years a great many went there from Cape Cod and the eastern shore about Castine.

Q. For cod or mackerel?—A. For cod.

Q. You have of course seen a great deal of the American vessels that come to your waters; will you tell us what is their average tonnage?—A. Their tonnage averages from 60 to 80 and 90 tons. I should say that the average one with another of the American vessels, that have been here during the last few years, would be 75 tons.

Q. What would be a fair catch for a 75-ton schooner, on the average?—A. About 300 or 400 barrels.

Q. For each trip?—A. Yes; they would catch, I should think, during

the season between 700 and 800 barrels. I have known some American vessels make three trips during the season.

Q. Since the ratification of the Treaty of Washington have they not been enabled to make three trips a season by means of transshipment?—  
A. Yes; vessels transshipped which came this season.

Q. Have they not transshipped during the past several years?—A. Yes.

Q. Have you ever heard any of them say whether that is a great privilege or not?—A. Of course it is a privilege, because it saves the time that would be consumed in going home. They refit and return, and when they find fish, if the weather is fine, they will fill up again in a few days. They generally know where to find the fish, and sometimes they have come back on the same body of fish which they had left.

Q. This really enables them to make a third trip?—A. It is equal to a third where they take advantage of it.

Q. Where do they generally tranship?—A. In the Strait of Canso and on Prince Edward Island. The S. W. Perry, a Gloucester vessel, transshipped at Prince Edward Island by the steamer Commerce. Formerly, several went to Charlottetown and transshipped by the Commerce, which was then running.

Q. You have made the average for each of two trips 350. Would it be greater if the vessel made a third trip?—A. Yes.

Q. And, for two trips, that would make 700 barrels in the course of the season. You are acquainted with the mode in which the crews are hired?—A. Yes.

Q. What is the practice in this respect?—A. They go on shares generally.

Q. How many men would a 75-ton schooner take?—A. Fifteen or sixteen.

Q. To catch 700 barrels?—A. Yes.

Q. How many bushels of salt would this require?—A. One and a half bushels will cure a barrel of fish; that is about the estimate.

Q. That would make about 1,000 barrels?—A. Yes. The fishermen have to find their part of the outfitting, such as barrels and bait, and pay the cook. I believe that the cook is the best man on board; he gets wages and catches fish.

Q. What would 700 empty barrels cost?—A. They are worth from 60 to 75 cents a barrel.

Q. Would 700 barrels at 75 cents each make \$525?—A. Yes.

Q. How many barrels of bait would they take?—A. About 80 for a vessel of that description.

Q. What do they pay for it? I suppose there would be a lot of men-hadden?—A. The bait would consist of porgies and clams. They would cost from \$4 to \$5 a barrel.

Q. At about \$5, that would make \$400?—A. Yes.

Q. And what would the salt cost a bushel?—A. From 20 to 25 cents.

Q. At 25 cents, 1,000 bushels would cost \$250?—A. Yes.

Q. What about the provision for the whole season. It would last about four months, I suppose?—A. Yes; the provisions I should think would cost from \$10 to \$12 a month.

Q. And at \$12 a month for these 16 men would make how much?—  
A. \$192.

Q. And four times that would be how much?—A. \$768.

Q. What would be the cost of the other outfittings, lines, and port-charges, &c.?—A. One or two mills to grind bait would be required,

and they would cost from \$12 to \$15 each. The lines, hooks, forks, and such like, used on board would cost about \$150.

Q. Do the mills last for more than one season?—A. O, yes.

Q. They are not used up in one season?—A. They are pretty well used up then, after having been grinding continuously. The knives would be pretty well destroyed.

Q. I believe that the crew have to pay for a part of the packing out?—A. I do not know what they pay; it is about three-quarters I think.

Q. What does the packing out cost?—A. About 60 or 75 cents.

Q. If 75 cents, it would be, for 700 barrels, \$525?—A. Yes.

Q. And how much, on the average, would these 700 barrels cost?—A. I could not say exactly. The mackerel is sometimes worth \$20, and sometimes \$15. I have heard that it has been sold as high as \$28 and \$30.

Q. Would you call \$12 a barrel a low average?—A. It would be a fair one. I think from \$12 to \$14 would be so.

Q. And at \$12 a barrel how much would 700 barrels be worth?—A. \$8,400.

Q. Will you add up the expenses you have mentioned?—A. They amount to \$2,618.

Q. Deduct \$2,618 from \$8,400?—A. That leaves \$5,782.

Q. And that, according to your calculation, is what such a vessel would make during a season?—A. I suppose that such would be the result.

Q. Suppose that the vessel was chartered from the owners, what do you understand, from your knowledge of the business and the conversation you have had with American shipmasters, would be a fair charter a month for a vessel of 75 tons?—A. I should say from \$250 or \$300 a month.

Q. About \$300 would be the outside figure, in your judgment?—A. Yes.

Q. The owners, in addition, get at least \$1,200 for the charter, and deducting from \$5,782 the amount of the charter, \$1,200, how much would be left?—A. \$4,582.

Q. And dividing that among sixteen men, how much would each get?—A. About \$298.

Q. About \$300?—A. Yes.

Q. That would be over \$71 a month, for four months, for each man?—A. Yes.

Q. Making it \$286 each, what would it be—\$70 and upward?—A. Yes.

Q. That is pretty good wages for them to make?—A. Yes.

Q. As far as you are aware, the American fishermen who come to our ports do not confer any special advantage at all on our people?—A. Not any very great advantage, because they do not deal with us to any great extent, as far as the Magdalen Islands are concerned. They do not lay out any money there except a few dollars for extra labor required in their fishing operations.

Q. And that is merely an individual matter—it is of no general benefit at all?—A. No.

Q. Is the right of fishing in the American waters of the slightest benefit whatever to any Canadian fishermen, as far as you know?—A. I never knew any one go from our neighborhood to their waters.

Q. What do the Americans themselves say about their own waters?—A. That they were overfished, and that the American fishermen have destroyed them by their mode of fishing.

Q. What do they say about the privilege of fishing inshore on the

Canadian coast?—A. That it is a very great privilege, because they are not stopped as they were some years ago by the Dominion police, and annoyed, now that they have free access to our waters.

Q. In your opinion, and in theirs also, without that privilege they could not prosecute the fisheries in the gulf at all?—A. No; not successfully.

Q. Then they would not come at all; they would not do so from year to year and ruin themselves, not being successful?—A. They could come here in a manner, but their time would be lost. It would not be worth their while to come.

By Mr. Dana:

Q. Did you say that you were a native of the Magdalen Islands?—A. No; I am an Englishman by birth. I spent my early days in the United States, and latterly I have lived in Canada.

Q. When did you come to these islands to live?—A. My appointment in the customs dates from 1852.

Q. Was that the beginning of your residence there?—A. I had been backwards and forwards to the islands for several years previously.

Q. Was that the beginning of your residence there?—A. It was the beginning of my permanent residence. I have only been absent four or five times since, and only in the winter season.

Q. Where did you then go?—A. In part to the United States and in part to Halifax, in Canada. Two years ago I was in the United States.

Q. What do you understand that the Americans gain in the way of rights at the Magdalen Islands by the Treaty of Washington of 1871?—A. The privilege of fishing from the shore; and if this Swedish market is going to prove profitable, as I presume will be the case, they have the great advantage of doing as they have done during the last two years, landing without being subject to any warehouse or customs regulations, and curing fish on the shore. This is very valuable.

Q. Do you understand that the Americans are given that right by the Treaty of Washington?—A. I understand so.

Q. By the treaty of 1871?—A. Yes.

Q. Do they gain that by the treaty?—A. They gain the privilege of landing without being subject to customs regulations; and 1,000 barrels with a 17½ per cent. duty would make one item of expense. The next benefit they enjoy is the privilege of putting the barrels on shore without being subject to warehousing, &c., for which they would have to pay. This is a very great privilege.

Q. What rights do you understand that the Americans gain by the Treaty of Washington in your island?—A. I understand that according to this treaty they have the privilege in common with ourselves of carrying on the fisheries on land; previously they did not have the right to land their fish.

Q. You think that they thus gained the right to fish from the shore?—A. Yes; also of drying and curing their fish on shore.

Q. Do they gain the right of fishing on shore?—A. I do not see much of a right in fishing; but the privilege of packing and curing their fish on shore is a great advantage.

Q. They do not land to catch fish from your rocks or beaches, do they?—A. They haul in the seines from the shore.

Q. Do you understand that the Treaty of Washington gives the Americans the right to land and haul their seines on the Magdalen Islands?—A. I do.

Q. They gained that right by this treaty?—A. Yes; previously, although they did so for many years, it was only with our permission.

Q. Do you understand that they gained any other right by this treaty?  
—A. They could land their outfittings and pack and cure their fish, and also erect buildings.

Q. They have thus obtained the right to erect buildings for fishing purposes!—A. Yes.

Q. And also to erect buildings to lodge in?—A. Yes.

Q. They also obtained the right to land their salt barrels, &c.?—A. All fishing outfittings.

Q. They could take them on shore?—A. Yes, and ship them at the end of the season.

Q. And you understand that all these rights were gained through the Treaty of Washington?—A. Yes.

Q. Is that the way in which your people have been instructed?—A. Various instructions have been issued in this regard.

Q. In your conversations is that the general opinion on the islands?—A. I am not aware that I have had any conversation respecting it, other than when this man came from Provincetown, and put up these establishments there, they themselves assumed that they had authority to do so under this treaty. They told me so when I said that they had no business to land. They alleged that under this treaty they had a right to land where they liked, and erect buildings and do as they chose. I did not myself so understand the treaty. I told them that they had no right to land without permission. I did not, however, interfere with them, and always allowed them to do so.

Q. I asked you how you understood the Treaty of Washington, and you answered differently?—A. It gave them the privilege to land and erect buildings.

Q. Then you agreed with them about it?—A. Yes.

Q. And at the same time you gave them permission to land?—A. Yes.

Q. Have you never written for instructions to headquarters to know whether the Americans had the right to land and erect buildings?—A. I have written to the inland revenue department, but I was led to understand last year that I was not to take any proceedings until further instructions arrived, as the treaty was pending and nothing was settled, and to let things remain as they were. I asked what should be done under the circumstances, but I received no further instructions respecting it. It was understood that the arrangements to be made under the treaty were pending, and that we were not meanwhile to get into trouble with United States citizens.

Q. Did you tell the authorities that you had told this American captain he had no right under this treaty to land, erect buildings, or tranship?—A. He told me he had such a right.

Q. And then you wrote for instructions?—A. I stated in my annual report in autumn what I had done.

Q. And the answer you received was not to interfere?—A. I did not obtain an official answer, but so I was given to understand.

Q. How were you so given to understand?—A. I heard indirectly that I was not to interfere with United States fishermen in consequence of this treaty being pending.

Q. How did you hear that indirectly?—A. In conversation with persons on the mainland, during the winter season. I reported the facts late in the autumn. This occurred last year. I have had no reply from the department, but I was told, as I have mentioned, by several parties.

Q. You received no official information on the subject?—A. No.

Q. Either by letter or word of mouth?—A. I received nothing of a official character in this respect.

Q. Have you obtained any information on the point which you considered to have come directly or indirectly from an official source?—A. Nothing, save from hearsay, from parties outside. Nothing was directly communicated by the department. I have had no reply.

Q. Then what you did rests on your own responsibility; you could not hold any one else responsible for it?—A. No.

Q. To what extent have the Americans erected buildings on the Magdalen Islands?—A. They have put up a dwelling-house and fishing stages. We have four establishments there now. I have with me a manifest from Provincetown of the articles they brought with them. The men left on the island are connected with vessels which fish outside; these vessels are fitted out for summer fishing; they land two men and a number of nets, lines, provisions, barrels, &c.; in the autumn they call for these men and take away the catch, which they ship home in some other vessel from the Strait of Canso; they clear at the custom house what they take away.

Q. They give you an invoice?—A. A manifest.

Q. Then you can compare the manifest with what they landed?—A. Yes.

Q. Then you are satisfied with that arrangement?—A. In this way: I considered that these things were intended for fishing purposes, with the exception of the provisions. I had no instructions to subject them to warehouse or custom regulations, any further than I should see that they had no goods for sale with them.

Q. You saw that they brought no merchandise for sale?—A. Yes; but they brought ashore fishing-gear, salt, &c.

Q. How many such cases have occurred within the last two years?—A. The first year one establishment was erected and last year four. The former used 135 nets and the latter 120 nets.

Q. What do they catch in their seines?—A. Mackerel, cod, and fat herrings.

Q. Do they buy anything on shore to supply their wants?—A. I suppose that they would require to purchase something while on shore. They bring provisions with them, such as flour, &c.; they might buy small stores, such as a pound of tea, &c., but it would not be to any great extent.

Q. This would be of some little benefit to the people?—A. Yes; but more of a benefit to themselves, of course.

Q. Still it is a benefit?—A. Yes; the men mentioned have done very well since they came there; they have caught a good many fish.

Q. How do the American vessels save lighterage?—A. For the Swedish market the fish have to be packed in a peculiar manner; they must be taken before they spawn, when the roe is in them, and when they are large and full. They are no use afterward, and this has got to be done during the short time that these fish are on our coast. The men, consequently, must catch a great many and attend them at their leisure.

Q. You speak of Swedes?—A. Yes; I refer to the American vessels which take fish to the American Swedish market. A vessel requiring 3,000 barrels would be a large vessel. The Hattie H. Grove, of Gloucester, required so many; and these could not be caught and cared for in a short time on the deck of a vessel. They must either, for such a purpose, bring some other vessel as a tender or lighter and load outside, discharging and packing the empty barrels afloat, or they must land the barrels on shore. Now they came to ask permission to land the barrels as they could not find room for them on the deck of the vessel, and, at the same time, prosecute the fishery. They took the barrels off shore

at their leisure, and I allowed them to do so. Several hundred of them were landed on the beach. Last year they packed the fish on the shore, to which place the fish were brought. You will understand that when fish are thrown into a barrel they will sink, and a barrel, when well packed, will contain about a barrel and a half of fish in the ordinary state. They pay from 6 to 7 and 8 cents for packing.

Q. Who does the packing?—A. Their own people and girls and women who live on shore.

Q. They employ people who live on shore to help them?—A. Yes; and they pay about 9 cents a barrel for it—from 8 to 10 cents a barrel for taking out the gills and packing. These persons have principally come from Gloucester; they bring their barrels and load their vessels. One firm from Gloucester brought two vessels to fish and load; one vessel was loaded and sent to Sweden.

Q. If they do not bring their own lighters, they use boats which they obtain from the shore?—A. They land the barrels on shore, and pack them after the fish are once taken.

Q. What boats do they use for landing?—A. Their own. Each vessel will have four or five boats.

Q. They will do what business is required?—A. Yes, they have seines with them; the fish are hauled in the seines and brought into the harbor and put into the barrels from the boats.

Q. The fish are taken on shore in the boats?—A. Yes.

Q. This does not apply to mackerel?—A. I am speaking of herring. No mackerel are caught, to any extent, except by these Provincetown people. This business is only in its infancy now, but next year I presume that a much larger business may be done.

Q. Are their boats brought all the way from the States; do they not hire boats at Canso and elsewhere for the purpose?—A. Some bring their own boats and others hire their boats. Some bargain with the people to bring the fish out of the seines on shore; 3 or 4 cents a barrel is paid for this work. The fish have to be caught there in a very short time. Once barreled they are saved with salt.

Q. They want to land the fish?—A. Yes.

Q. And that must be done quickly?—A. Yes.

Q. And sometimes they employ people on shore in this relation?—A. Yes; a boat will carry from 20 to 30 barrels of fish.

Q. It depends on the quantity they have to land?—A. From 2,000 to 3,000 and 4,000 barrels will be landed about the same time.

Q. This makes things pretty lively in the neighborhood?—A. I have counted 700 boats in operation at the same time.

Q. Do you keep many boats on the island?—A. Of course; the fishermen there own several hundred boats.

Q. You say that the mackerel spawn about the Magdalen Islands?—A. Yes.

Q. They spawn, also, on the numerous banks and shoals in the Gulf?—A. Yes.

Q. Then you say that after they have spawned they leave the islands?—A. Yes; and go into deeper water, off shore, until they recruit, I presume, because they are sick, or are supposed to be so, after spawning. As soon as they come in, the scales fall off their eyes. Sometimes they are caught with half of these scales on.

Q. When do they come back?—A. In about three weeks or a month sometimes. I imagine that this depends a great deal on the temperature of the water. When it is very raw and cold, and there is a good deal of ice, they are later. The latest period ever known is about the

12th or the 15th of June; but they generally come about the 1st of June.

Q. You consider it dangerous for vessels to fish off the Magdalen Islands?—A. It is considered to be a very dangerous coast.

Q. The safe course to pursue there is to have boats to go out in and to come right back in?—A. Yes; from the shore.

Q. And they haul the boats upon the shore, where there is no harbor?—A. In Amherst Harbor they can float, but in many places they have to haul them up on the beach every time they come in.

Q. Do the Americans hire boats for fishing?—A. When the fish were found to be close inshore I have known them to come to our place and get vessels.

Q. And hire boats when the fish were close inshore?—A. Yes; and go on the other shore and fish.

Q. Do they hire boats to fish close in on your own shore?—A. No; they do not fish on our shore for mackerel, unless the wind is offshore. It is unsafe for vessels to do otherwise. A boat could not fish for mackerel around our shore outside, except at the mouth of the harbor, from whence they can run back immediately. For three weeks previous to my departure no boats dare go out of the harbor. The fishermen there are doing nothing.

Q. Have you had any experience with respect to the offal grievance at your island?—A. O, yes; in the spring of the year, while they are dressing the fish, when the offal is driven inshore you can scarcely stand on the beach in consequence of the offensive odor emanating from it. This is not the case so much with mackerel offal, because mackerel are not taken on our shores in sufficient quantities to cause such an effect; but hundreds of thousands of barrels of herring are taken along our coast.

Q. What do your people do with the offal of the herring which they catch?—A. They bring it on shore.

Q. Who do not do so?—A. The men on the vessels which come into the harbor.

Q. If the vessels lie in smooth water in the harbor, then you think that the offal is a nuisance?—A. Yes; or when they are near the shore.

Q. Suppose that they are a little distance off, a mile or two, where the sea is disturbed by the wind, is it a nuisance then?—A. The Magdalen Islands in this respect would be an exception to the general rule; the sea being very seldom smooth there, of course this disturbs the offal, but when this comes on shore it is very offensive. The water in the harbor is only 10 or 12 feet deep.

Q. The harbor is very shallow?—A. Yes.

Q. Have you no regulations prohibiting the throwing of offal into the harbor?—A. Yes; but it is very difficult to put them in force. I do all I can to prevent it, but one man can scarcely perform this duty all alone, so far from the reach of the strong arm of the law.

Q. If the vessels are drifting while the offal is thrown overboard this does not come in in a mass?—A. No.

Q. Do you speak of the offal of cod or of mackerel or of herring?—A. I refer to herring offal. Cod offal is a different thing. It is much more destructive and injurious to the fish, in my opinion, than the other.

Q. Cod offal is worse than mackerel or herring offal?—A. Yes; much more so.

Q. But you are not troubled with much of this offal?—A. Not when they fish offshore. They generally fish for cod on these banks and shoals. The fish become poisoned with the offal that is thrown over.

board, and leave the grounds. The water is polluted, and besides a quantity of other fish and of roe is thus destroyed.

Q. Why do the fishermen act in this manner?—A. I have asked the fishermen that question, and they say that they have fitted out to catch fish, and are bound to do so; that they must catch the fish; and that if they do not follow this method their neighbors will. The grounds are, in fact, at times, made so foul and so polluted that they themselves have to leave them.

Q. Are they not thus destroying the catch all the time?—A. Greater difficulty is now experienced in catching cod than was the case formerly. The fishermen consequently complain of this. I may say that they admit they are ruining the fisheries; but they do not mind that. They say these will last their time. In my opinion a great advantage would be gained if the two governments could unite and forbid seining and the use of trawling-lines for a number of years. Some mode should be contrived, by means of boxes or chests placed on board vessels, for the deposit of this offal, then the vessels could run inshore every week and throw it overboard. The present practice does a great deal of harm to the fisheries. It is very destructive.

Q. It could be taken out into the ocean, clear of the banks, shoals, &c.?—A. Yes.

Q. The tide or a strong wind or anything of that kind would disperse it, would it not?—A. Around the Magdalen Islands the water is not usually deep, but shoaly. It has a depth of from six to seven fathoms, at least, within two or three miles from the shore; while at the same distance from the shore in New Brunswick it is to be found from 50 to 60 and 70 fathoms in depth.

Q. What proportion of the men employed on board American vessels during the last 25 years have been, in your opinion, British subjects?—A. A great many have been so. I think that two-thirds of them have been British subjects.

Q. And do they usually work on shares?—A. A few work on wages.

Q. You have no vessels on which to employ the people of the islands?—A. We have very excellent fishing-boats, and about twelve or fourteen schooners.

Q. Where have the large proportion of fishermen found employment, on board American vessels?—A. Not our men; they are generally employed by the Jersey houses and the Labrador fishermen.

Q. Take British America altogether, United States vessels furnish employment to two-thirds of the entire crews?—A. Yes.

Q. There are not many vessels in British America, over 60 tons, engaged in fishing, are there?—A. I think within the last few years there has been a larger class of vessels, some 90 or 95 tons.

Q. Not many?—A. Not many. About 60 tons would be a fair average for our vessels.

Q. You have none; they have none about Gaspe or what we call the West Coast?—A. They all pursue boat-fishing there.

Q. And there are only 40 at Prince Edward Island. So that taking the whole together, the number of vessels that would go out to be gone weeks, and cure large quantities of fish, is but few in all British America?—A. But these people don't return again to the island. Two-thirds of them become residents of the United States and become naturalized.

Q. You don't know that?—A. If they don't become naturalized they pass as Yankees. I must say it is unfortunate that some of these

people give us the most trouble. They are all Yankees and they claim the protection of the stars and stripes.

Q. You were asked some questions, the object of which seemed to be to ascertain how much a fisherman made on an American vessel, you supposing that the vessel had on board 350 barrels. Is that the number?—A. Yes; about that. That is what I have heard them say, and that is my experience; if they fit out for 400 barrels, 350 would be the average.

Q. That would be 350 barrels put on board?—A. Yes; each trip.

Q. Making, if they have two trips, 700 barrels?—A. Yes.

Q. You have supposed all these barrels to be taken home full?—A. Yes; they generally remain there until they can fill them, if possible.

Q. You assume that every barrel went home full?—A. Yes.

Q. Then, when you made up your account and took the product of all those barrels full, and ascertained the crew's share, did you deduct what the crew's share was worth from the whole sum, or from the owner's half?—A. We deducted the expenses; assuming the mackerel to bring \$12 per barrel in the United States, there would be received \$8,400, from which deduct \$2,618.

Q. Do you deduct from that the crew's share?—A. The crew would have half the fish; \$5,782 would remain between ship and crew.

Q. What do you deduct from the gross sales of the 700 barrels?—A. I deduct outfit.

Q. What do you mean by outfit?—A. Barrels, salt, bait, provisions, lines, and packing.

Q. What do you deduct in the first instance?—A. I deduct the whole cost of the outfit.

Q. With regard to outfit, does not the owner furnish the salt?—A. Yes.

Q. You take, in the first place, 700 barrels, at \$12 per barrel, which gives you \$8,400. What do you deduct before you divide between owners and crew?—A. I deduct the cost of the barrels, salt, provisions, and lines.

Q. How much do you allow for each? What is the first item to be deducted?—A. Barrels.

Q. How much is that?—A. 700 barrels, at 75 cents each, or \$525.

Q. What is the next item?—A. Salt; 1,000 bags, at 25 cents each, or \$250.

Q. What next?—A. Provisions, \$768, taking 4 months, 16 men, at \$12 per month each. For packing out, \$525.

Q. Do you take that from the gross sales?—A. Yes.

Q. Do not the crew bear a share of that?—A. Yes, but we calculate that after. The crew bear half of that. That is what I have heard it cost for packing when they arrived home.

Q. You mean packing out when they reach home at Gloucester, before the fish are put in the market?—A. Yes.

Q. What next do you deduct from the gross sales?—A. There is the crew; they would have half of the fish.

Q. Have you deducted all you wish to deduct from the gross sales?—A. There is the charter of the vessel.

Q. Have you deducted all you intend to deduct from the gross sales? What would you put the provisions at?—A. At \$768.

Q. Next to provisions, what do you deduct from the gross sales?—A. That is all.

Q. How much does it amount to?—A. \$2,418. No, these items only amount to \$1,218.

Q. Is there anything else which should be deducted?—A. There are barrels, salt, provisions, lines, packing out, and charter.

Q. How much for lines?—A. \$150.

Q. Packing out how much?—A. \$525.

Q. Can you think of anything else to be taken out of the gross proceeds of the sales?—A. Half of the fish for the crew.

Q. Are you sure these items come to \$2,418?—A. They amount to \$1,218.

Q. Do you now divide it?—A. Yes.

Q. How much is half the catch?—A. \$4,200 for half of the fish.

Q. From \$4,200 deduct that amount, is not that the next process? What is the result of it?—A. \$2,982.

Q. You leave the crew how much?—A. The crew would have \$4,200 less half of the expenses they have to pay.

Q. You have \$8,400 as the gross receipts of the sales; how much was the amount you found you had deducted from the \$8,400?—A. The amount of the expenses as they appear is \$1,218.

Q. Will you state what items compose \$1,218?—A. \$525 for barrels, \$250 for salt, \$768 for provisions, \$150 for lines and so forth, and \$525 for packing out.

Q. You have made a mistake in your addition; what is the amount now?—A. \$2,218.

Q. The result is \$6,182; is that what you make it?—A. Yes; \$6,182.

Q. Has any item been omitted which should be deducted?—A. This would be the sum of money due between the owners and the ship.

Q. What is the half of that?—A. \$3,091.

Q. Is there anything to be deducted from that half before you divide it among the men?—A. It is to be divided among the men.

Q. How many men do you allow for?—A. There are sixteen men. They have to pay the cook something.

Q. How much for the cook?—A. I cannot remember what sum I gave.

Q. You must give us the amount according to your knowledge?—A. About \$30 per month.

Q. That would be \$120?—A. Yes; I should think so.

Q. Do you think the cook's amount should come out of the whole sum?—A. Out of the crew's half.

Q. Does not the owner pay half?—A. I don't think so.

Q. The crew's half is \$3,091?—A. Yes.

Q. I want you to find out how much each man gets, supposing there are 16 men.—A. Each man's share is \$222.

Q. \$3,091 you have reckoned is the crew's share. Now deduct \$120 for the cook, and how much does it leave?—A. I make the whole amount \$7,073 that would be due.

Q. No, \$6,182 you made it out to be.—A. There are other things to be reckoned. Those things are only part.

Q. Did you not have \$6,182 as the gross result, after you had made deductions?—A. Yes, \$6,182. There is something to be added to that again; because the crew pays half of that. The way I make it out is this: the crew's share would be \$4,200, less half they have to pay.

Q. So you would divide the gross gains into two parts?—A. \$8,400 is the gross sum, half of which the crew would receive, less the amount they would have to pay to the outfitters.

Q. Supposing \$4,200 belonged to the crew in the first instance, what items do you deduct?—A. I deduct half of the barrels, half of the packing out, and the cost of the cook.

Q. What is half of the barrels?—A. \$262.50; half of the packing out is the same sum, \$262; for the cook, \$120; making \$645.

Q. Is there any other item?—A. I don't see any other item.

Q. Don't you allow anything for inspection?—A. That is what we call packing out. I have not been in the business myself, but that is what I have heard.

Q. Do you know whether the crew pay for the inspection or any share of it?—A. 75 cents per barrel pays for packing and inspection.

Q. You have not said anything about bait?—A. The bait is to be added, \$400, half of which is \$200. I omitted the item of bait.

Q. Can you make anything out of the calculation?—A. I make the same items you have got there, but I scarcely understand what you wish me to do.

Q. I want you to find out what each man makes?—A. \$209 each. If the crew are the outfitters of the vessel and charter her, the share of each will be \$284.

Q. Have you, since you gave the previous result, added something to the crew for charter?—A. I have done so.

Q. How much do you charge each man for charter?—A. The charter is out of the whole.

Q. Have you deducted the charter from the gross sales? Would you do that? It is not in any of your items?—A. The crew would receive at first \$3,355, but there would be the charter, \$1,200.

Q. The last time we heard from you, I think you began with the crew's half at \$4,200?—A. \$4,200 less \$845 for half of bait, the whole pay of the cook, half of packing, and half of barrels, which gives \$3,355. That would be their share of the fish.

Q. What sum is half of the barrels?—A. \$262.50; half of the packing, including inspection, is the same amount, cook \$120, and half of the bait \$200.

Q. Do you suppose all the bait to be bought at Gloucester?—A. Yes, for the whole voyage.

Q. All the bait purchased and shipped at Gloucester?—A. It could not be purchased anywhere else—the same description of bait.

Q. What is the next item?—A. That is all I deduct from the crew, but I give them the benefit of the charter of the vessel.

Q. Have you added to \$845 anything?—A. I have deducted \$845 from \$4,200.

Q. Having got \$845, have you added anything to that?—A. No.

Q. Nor deducted anything before you divide the amount among 16 men?—A. No. The crew are entitled to \$4,200, less \$845, which leaves \$3,355.

Q. What do you do with that? Do you divide it by 16?—A. Yes; with the addition of \$1,200.

Q. When did you add \$1,200—at what stage?—A. It is assumed.

Q. It is assumed that they pay nothing for the charter?—A. The owner gets the benefit of that.

Q. Why did you not divide \$3,355 into 16 parts at once?—A. That would be \$209. I take \$209 as the share of their fish.

Q. Have you deducted anything else? You spoke about charter; have you deducted anything for charter?—A. The men got that; somebody must have the \$1,200.

Q. Where did you get the prices at which you have calculated the different articles?—A. I assume them to be correct; these are the prices which I suppose are paid.

Q. When you put down so much for salt, bait, and barrels, where do

you get your information?—A. My position leads me to know the prices of these articles, as many of them pass through the custom-house.

Q. And also the price of mackerel?—A. I know they have varied in the United States market from \$10 to \$25.

Q. You never knew No. 3 mackerel to be \$25?—A. Very few which they catch are No. 3.

Q. You count them all No. 1?—A. No. 1 and 2. No. 2 from the provinces will, in many cases, prove No. 1 on inspection.

Q. You have spoken a good deal of the Swedish trade; to how large an extent is it being carried on from the Magdalen Islands?—A. It is in the second year.

Q. How many fish were exported to Sweden last year?—A. 900 barrels, one vessel only. The Herman Badson, of Gloucester.

Q. How much did the herring cost per barrel?—A. The captain himself told me that they cost \$2 per barrel on board.

Q. That was the extent of the Swedish trade last year?—A. Yes, last year.

Q. The returns are not made up for this year?—A. About 9,000 barrels will be sent this year.

Q. You know that between January 1 and December 31, 1876, 900 barrels were sent at \$2 per barrel.—A. Yes.

Q. No accounts have been made up for this year?—A. There are one or two vessels on the Newfoundland shore—

Q. It is an experiment altogether this year?—A. Yes.

Q. You don't know how it will turn out?—A. No. They are going into it pretty largely.

Q. Do the returns show that 38,000 barrels, valued at \$76,000, were exported to the United States?—A. Yes.

By Mr. Thomson:

Q. In that last calculation made by Mr. Dana, where the crew take half the proceeds, what have you to do with the charter?—A. Nothing to do with it. The men receive \$284 each out of the whole proceeds, or about \$70 per month.

Q. In regard to the different items you gave for provisions, salt, barrels, and so forth, did you get the information from captains?—A. Yes.

Q. The prices were fair prices, as you understood from the captains?—A. Yes, from my conversation with them.

Q. In the calculation you made in answer to my question, the vessel was assumed to be chartered by the crew?—A. Yes.

Q. Therefore the charter did come in?—A. Yes; we spoke of how much the charter would be. We had \$3,355, and throwing in the charter of the vessel would make the sum \$4,550, giving each man \$284.

Q. The calculation you made to me was not a calculation based upon the crew dividing at all?—A. No.

Q. Mr. Dana's calculation assumed that the crew were not the charterers, but were being paid by taking half the catch?—A. Yes.

By Sir Alexander Galt:

Q. Could you inform me whether farming is pursued to any extent on your islands?—A. Yes.

Q. There is an agricultural population?—A. Yes; and we have an Agricultural Society there.

Q. Are you more dependent on your fish than on your lands?—A. For the last few years they have cultivated a great deal. There are some fishermen who can live entirely on their farms.

Q. You have farming land on your islands?—A. Yes, a great deal.

**By Mr. Foster:**

Q. Don't you bring your provisions from abroad?—A. We get flour from abroad.

Q. In 1871, when some of your vessels laden with provisions were lost, did not the Province of Quebec raise a subscription to prevent your people from starving?—A. They raised a subscription.

Q. And sent a vessel loaded with provisions?—A. They sent it in this way. It was at the very close of navigation, and the report was spread that the whole of our fishing fleet, 12 or 14 vessels, had been lost, and the Federal Government sent a vessel down with provisions to supply the people's wants. Some of the flour is not disposed of yet.

Q. Do you mean to say that the people raise anything like provisions sufficient to supply themselves?—A. Not flour.

Q. General provisions? Do they raise provisions enough of any kind to support themselves?—A. Butter and meat, with the exception of pork. Fishermen use a great deal of pork.

Q. If you did not have provisions imported from abroad, would your people be kept from starving?—A. Yes; I think so.

Q. See whether this was true in 1871:

The inhabitants and fishermen of the Magdalen Islands were as usual permitted to catch herring for their own use when foreign fishermen allowed them to do so in their seines and supplied them with salt to cure them. It is a matter of wonder as well as regret that this population, which, in other matters, is full of energy to encounter the hardships and perils of the sea, and marked with other good qualities, should be so remiss when their own welfare and progress are concerned. Herring is the greatest source of the waters surrounding the Magdalen Islands; it is upon this product the inhabitants mostly rely for their winter supplies. Still, strange to say, for the last sixty years they have not yet succeeded in fishing for themselves, being entirely dependent on the kindness of mere strangers for the principal article of food. In vain do they witness the abundance of food which a kind Providence brings to their very doors; in vain, too, they, every season, see strangers come from distances of 500 miles, or more, to reap this rich harvest and pocket large profits; nothing moves them. Should you try to give them encouragement and advise them to form partnerships by clubbing thirty or forty together, and thus procure seines and salt, and catch the fish, and after taking their own supply sell all the balance to foreign traders who would only be too happy to buy them, your kind intentions are met with the most flimsy objections. It is, therefore, no wonder that they have remained what they were sixty years ago. They give you their own reasons to account for their poverty; but the more I see of them the more I am convinced that this poverty must be traced to other causes.

Is that a just account of the people of your island?—A. Of some of them.

Q. Is that a just account of the state of your people?—A. If you look further on you will see the exports, even oats and grain.

Q. Is it a just account of the state of the people in 1871?—A. I say it is not, because although the people are indolent—a great many of the French people—nevertheless, I think if we were thrown, of necessity, on our own resources, we could grow sufficient to keep the whole. There are 78,000 acres of land to support 4,000 people.

Q. Do you think that is an unjust account?—A. It is an account from superficial observation; from an idea the writer has had.

Q. Try 1871.—A. Government report says:

I took occasion, in my last report, to allude to the little forethought evinced by the islanders in providing means for successfully prosecuting the herring fishery, upon which they mostly depend for the support of themselves and their families when the other fisheries or the harvests fail; but never was that improvidence of the future more clearly seen than during the past year, and never was it followed by such disastrous results up to this year. Only a few of the most prudent and enterprising of the fishermen had sufficient forethought to secure previously the salt required for the curing of their fish, the remainder depended upon the local merchants and strangers for their supply of this article. But when salt arrived too late at the stores, or the foreign

fishermen had no need of the services of the islanders, their position became rather precarious. It happened thus this year. For several years past the owners of foreign fishing vessels used to repair to the island with about half the number of men required to secure a prompt cargo, engaging fishermen from the island to help them. The latter secured salt in payment for their services, and were enabled to secure some fish for their own use, if the fishery was not over. They frequently took advantage of the foreigners and overcharged them, in consequence of which foreign vessels began to make their voyages with full complements of men; this year especially every schooner from abroad was manned with a complete crew, and for want of salt the islanders were unable to take advantage of the splendid run of fish, while the limited quantity which was pickled was prepared in a bad condition. Several of these poor fishermen, unable to procure the necessary salt to preserve their winter's supply of fish, have been seen gathering the pickle flowing from the vessels' pumps, and with this stuff pack away the fish required for the sustenance of themselves and their families for the very long winter. One can imagine from this in what a state of destitution these people will be next spring.

Q. Is that correct?—A. I never knew any person die of starvation there.

Q. The government sent a schooner there that very year laden with provisions?—A. We have always a stock of provisions during the winter.

Q. Did not the Province of Quebec subscribe a sum of money and send a load of provisions in a government steamer to keep your people from starving?—A. Two years ago it was reported at the very close of the season, when navigation was closing and ice was forming, that the whole of our fishing fleet, twelve vessels, and others, had been lost off Cape Breton. Application was made to the Government of Quebec, and they voted a sum of money, and the Federal Government sent provisions. They supposed the statement was a fact. It was not a fact, for only three or four were lost. The instructions were that those who had lost flour and could not afford to pay for it were to receive it gratis, and others were to pay for it. A portion of it remains still not disposed of. There was a great quantity of provisions that year, quite sufficient to supply the people of the island.

Q. You do raise enough, in spite of what the reports state, to support yourselves?—A. Yes.

Q. And to export oats?—A. Yes, we export oats almost every year. Some of the farmers milk as many as 50 or 30 cows. You can find as good grazing land as you can imagine. There are 78,000 acres of land, and half of it is in a good state of cultivation. There is excellent wheat, barley, and potatoes in abundance. The people are more in the habit of carrying on fishing than of cultivating the land. The French Canadians have been brought up to fishing and won't cultivate the land.

#### No. 14.

MONDAY, August 13, 1877.

The conference met.

GEORGE MACKENZIE, of New London, Prince Edward Island, fisherman, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How long have you resided at New London, in Prince Edward Island?—Answer. All my lifetime.

Q. Have you been engaged in the fisheries?—A. Yes.

Q. For how long a time?—A. For the last forty years.

Q. What particular branch of the fisheries did you chiefly follow?—A. The mackerel fishery.

Q. Go back to the year 1840. How did you fish then?—A. I fished in a vessel then, in my own vessel.

Q. Have you ever fished in American vessels?—A. No, sir; except for a few days.

Q. You have always fished in British bottoms?—A. Yes.

Q. When did you give up that kind of fishing?—A. I gave up vessel fishing about six years ago. Since that I have prosecuted the fisheries with boats.

Q. What was the size of your vessel?—A. First and foremost I fished in my own vessel of 34 tons; latterly, in a vessel of 53 or 54 tons.

Q. The first was a smaller one?—A. Yes.

Q. When did you get a larger one?—A. About twelve years ago I got one of 54 tons.

Q. Will you be kind enough to describe the places where you took your catches? What time would you begin?—A. I used to go out when the mackerel were fat. Some years I would go when they were poor, in June; but generally the mackerel get good about the first of August. I would go out at that time and commence from our own shores. Then I would go around the North Cape, and over to Escuminac, from that along the west shore to Miscou, then up the Bay Chaleurs. If we would not find them plenty, we would go down the north side of Gaspé and up to Seven Islands. By that time we would perhaps have a fair catch and return, catching all the time. We would return to East Point.

Q. Did you go along the shores of Cape Breton at all?—A. Very seldom. We would go about the 1st of September along the shore there; but we used to find it rough and did not care much about fishing there. We would, perhaps, lose our vessel. We would return, stopping a while at Georgetown, and go up twenty or thirty miles, up the island, with the fleet sometimes.

Q. During these years did you fish in company with the American fleet?—A. Yes; always in company with them.

Q. Is the mode of fishing along Prince Edward Island the same as at Seven Islands?—A. No. At Seven Islands they could not do anything out in deep water; the tide is too strong. Down the southern side of the St. Lawrence it is the same way.

Q. From Bic down how would you have to fish?—A. We would have to be very close in, moored to the shore.

Q. And was that the practice adopted by the American vessels too?—A. Yes; they must fish along the shore. That is when the wind is off the land.

Q. Was that a good fishing ground?—A. Yes; we got the best mackerel there.

Q. What is the reason for the mackerel keeping close to the shore?—A. The feed, I suppose. The shrimps that grow on the rocks, and other little insects, and the lantz fish. That is what we think takes them inshore.

Q. Have you fished much down the Bay Chaleurs?—A. Yes; the most fishing I have done has been about the Bay Chaleurs.

Q. Now, I want to ask you with reference to that bay. Describe, if you please, whereabouts the best fishing grounds in the bay are, and where the fish are taken.—A. When the wind was southerly the fish were taken from Miscou to Caraquette, along that shore about a hundred miles. When there was a northeast wind they would try the other side down to Bonaventure, from Paspebiac and all in there. That is the way the fleet works. It depends upon the wind. They fish either

along the south or the north shore of the bay, according as the wind is blowing.

Q. How far from the shore are these fish taken?—A. We have taken them a mile from the shore. Sometimes less, sometimes two miles; not over two miles at any time. The water is deep.

Q. Now, Bay Chaleurs is a large bay, is it not?—A. Yes; it is twenty miles across at the lower part.

Q. In the center of the bay is the fishing good?—A. Sometimes when the mackerel are crossing or leaving there is very good fishing about the middle of the bay. They then strike in and do well enough.

Q. It is just when they are coming in or going out?—A. Yes.

Q. The fish do not remain there?—A. No. About September you will find them sometimes in the center of the bay—that is, going out, and about the middle of July coming in.

Q. Can you give the Commission an idea of the proportion of the mackerel in that bay, taken in the center or outside of the limits in the bay?—A. The catch for the season? Not over one-third, if there is that itself; but when there is a catch it is a very good one.

Q. They take them in the center as they are coming in or going out?—A. Yes.

Q. But are they sure to strike them?—A. Only sometimes. We try very often and miss, but we hit it sometimes. We would have to follow the rest; that is the way we would find the fish.

Q. I understand that the main bulk of what is caught in the bay is taken around the shores?—A. Yes. If I took you up I could show them to you now all along the shore quite plenty. This is the very time they are around the shores.

Q. After you come out of the Bay Chaleurs and come down the shore of New Brunswick, how is it with reference to the shore line; do you keep in?—A. Well, after the mackerel leave the Bay Chaleurs, part goes down the gulf, but the greater part strike from Miscou to the island. We follow them down the bight of the island.

Q. Have you fished along the west shore of New Brunswick?—A. Yes; mostly every season.

Q. In company with the American fleet?—A. Yes.

Q. What distance from the shore do they fish?—A. Right around close in from Miscou up to Miramichi, off Escuminac, and as far as Richibucto.

Q. When you make use of the term "close in," what do you mean?—A. Well, close in is one mile from the shore; from that to two miles.

Q. Where did you speak of—from Bay Chaleur to what place?—A. To Miramichi and down. That is what we call the west shore, from Richibucto down to Miscou. We fish all inshore there always.

Q. Between Bay Chaleur and Prince Edward Island you have Bank Oliphant and Bradley Bank?—A. Well, Bradley is off the North Cape. On a clear day you can see it. Bank Oliphant is off Bay Chaleurs.

Q. These have been mentioned as fishing grounds?—A. They used to be very good.

Q. Of late years have they not?—A. No; not of late years. They very seldom go there now.

Q. When you come to the Prince Edward Island coast, just describe the mode of fishing there.—A. We fish all inshore. The Americans and ourselves all fish inshore. Sometimes we try off shore, of course. Sometimes we don't get them inshore, and we run off, but we come back again.

Q. What distance from the shore of Prince Edward Island are they generally taken?—A. Generally about two miles; from one to two miles.

Q. I will not take you to Cape Breton, as you seldom go there. Do you know anything about the mode of fishing there?—A. All the fishing we ever did was close to the shore, as close as we could get, about Margaree, Cheticamp, and Port Hood. We would dodge in there in the fall of the year. We would not want to run off very far, as we would want to get back at night, and the days were short. Any fishing I ever did there was that way, and all hands were alike. The large vessels would stay out perhaps, but before morning they would be in.

Q. Are any fish down on the Cape Breton shore taken outside?—A. Sometimes there is some. Not very often.

Q. I understand that you continued to fish in your vessels up to eight years ago?—A. Six years ago.

Q. Can you give us an idea of the average number of the American fleet engaged in fishing there?—A. Some years, when the fishing was good, there would be 500 sail, some years only about 400. It has diminished greatly within the last four years. For about twenty years of my experience there would be an average of five hundred sail.

Q. Well, now, I want you to give the Commission an idea of the result of your own catches, taken in your vessel. What was the number of barrels that you caught every year?—A. Well, I used not to stay out the whole season. I only staid while the mackerel were fat, and I used to take about 400 or 500 barrels. Either one end of the season or the other there would be something better to do, and I did not fish, therefore, the whole season. Some years, however, I did fish the whole season. We took 600 barrels one year. But we are never equipped as well as they are. They have better bait, better material, and better vessels.

Q. You did not follow fishing the whole season through?—A. Some years we did and some years we did not. The average catch would be 400 barrels.

Q. What is the size of your vessel?—A. Fifty-four tons.

Q. What would be the cost of that vessel and outfit for the season?—A. Our cost would be about \$2,000, for the season.

Q. That includes the vessel?—A. Our outfit would be that without the vessel.

Q. Do you mean that to include the cost of the vessel?—A. We allow the vessel nothing then. Our outfits and the pay of the men, and all that, would come to about \$2,000, including the salt, barrels, and provisions.

Q. That includes the pay of the men and their living for the season?—A. Yes. That would be when we were out for a whole season.

Q. Taking the seasons you were out as full seasons, what would be the average catch?—A. About five hundred barrels.

Q. About 500 for the full season?—A. Yes.

Q. Well, did you find it a reasonably profitable investment?—A. We did very well at that.

Q. Where did you ship your fish?—A. We generally sold them at home on the island to speculators.

Q. What price did you get?—A. We got sometimes \$10 and sometimes \$12.50. They were good mackerel. We generally used to have good mackerel.

Q. That would make it a pretty profitable speculation? (and I believe Captain Mackenzie has succeeded pretty fairly.)—A. Well, we would lose sometimes, too.

Q. Well, captain, while you were fishing in your vessel in among the American fleet, were you enabled to form any idea of the average catch of that fleet?—A. Not from ourselves. We generally used to hear what they would catch. They used to be in our ports, and they have often told me what they would catch. I could not say from fishing on board their vessels.

Q. We understand your means of information. Were you in constant intercourse with the Americans?—A. Yes, every day.

Q. Speaking with your means of information, at what do you place the average catch of the Americans?—A. I should say there had been an average catch (except for the past two or three years) of about seven hundred barrels. I think that would be under what they would average.

Q. For the last three years, I understand you to say the average has not been up to that?—A. O, no.

Q. Can you give the Commission a reason for that? Is there anything in the course the mackerel have taken or the habits of the fish?—A. I think they frequented the shore more. There were so many vessels that there were not enough fish to pay them for coming in. The fish was scarcer.

Q. Will you repeat your answer?—A. You ask me what was the reason the average was not so high of late years, whether the fish was not so plenty, or whether they took another course?

Q. Mr. Foster understood you to say the fish was not so plenty, and that it did not pay them so well to come in.—A. I think the fish were not so plenty. I think they cut them up and tore them up a good deal with so many vessels.

Q. During the last three or four years, and the three or four years previously, you have followed fishing?—A. Yes; I have followed the fishing steadily.

Q. Have you found the fish scarce during those times?—A. Sometimes pretty scarce; but at other times they were very good. Year before last they were scarce, but last year they were good, and this year, up to this time, they have been very good close to the shore.

Q. I understand you to say that the fish have been keeping closer to the shore than formerly?—A. Yes; I think so.

Q. How many years back have you noticed that?—A. I have noticed it for the last four years. I do not think there are any fish in deep water; very few, if any; not that I could find out.

Q. Why did you abandon vessel-fishing and take up the boat-fishing?—A. Finding that the fish trimmed the shore more closely than they ever did before, the boats began to feed them and they came back to the same places again where they were fed up in previous years, and they kept continually coming the same way. They seem plenty along shore, and come when they are fed. In Rustico they would formerly catch good hauls, when we would not get any; now we are as far advanced in the boat line and in feeding them as they are, and we get plenty. We get them close in now, about a mile from the stage.

Q. How many boats have you?—A. We have eight boats fishing of our own, and I don't know how many more fishing for us.

Q. I want the Commission to have an idea of the size of those boats and the expense of their equipment. What would one cost?—A. Two hundred dollars.

Q. You have bait of your own?—A. Yes.

Q. Are there many boats of that kind in New London Harbor?—A. About 150.

Q. What is the average catch of your boats for the season?—A. One hundred barrels per boat.

Q. Do you extend that to the New London Harbor generally?—A. Yes.

Q. Has that been the case for some years?—A. It has, ever since we commenced, since we have got boats fitted up in proper shape.

Q. Do you know how many there are in Rustico Harbor?—A. About the same number, I should say.

Q. From Miminegash to Cascumpec how many?—A. Four hundred, I should say. I have been sailing around there.

Q. That does not include New London and Rustico?—A. No.

Q. Do you know anything of the numbers to the eastward?—A. I don't know anything about that.

Q. These boats take their fish within a mile from the shore?—A. We never go outside of a mile. If we do we have to come in again. Last Friday several of our boats went out to see whether there were any to catch out there, but they very soon came in again to four fathoms of water. They could not get them in seven fathoms.

Q. What kind of fish are they catching there now?—A. Splendid fish. A good many of them make mess mackerel. They have either fattened very quickly or a new shoal has come in.

Q. You mean that they have fattened up since they came there in the spring?—A. Yes. They would not bite for the last several weeks before Friday; but last Friday or Saturday morning we got good hauls of large mackerel.

Q. Is it the same in Rustico?—A. It is the same along the shores as far as we could hear.

Q. What takes the mackerel so close to the shore?—A. The feed.

Q. What do they feed on?—A. Shrimps and small fry.

Q. Are those kinds of food found in deep sea?—A. I think not. I don't know. I never saw any coming up on anything that we put out. There must be this food in the shoal water, for we find it in them.

Q. Have you found boat-fishing pretty profitable?—A. Yes, sir. Every one does not. Some make mistakes, and don't find it profitable. They don't manage right, or something. Most of them do.

Q. You have spoken of the general mode of fishing pursued by the Americans. Do you remember when the cruisers endeavored to keep them outside of the limits?—A. O, yes. We have had them about several times. We were bothered with them a good deal. When we got well under way they used to come driving the Americans off, but we would stand our ground.

Q. What was the effect of those endeavors? Did they succeed in keeping the Americans out?—A. Not much. Captain Carnachy, I think it was, came aboard one time. There was then a fleet fishing on Caraquette Bank. When they saw the smoke the Americans put off towards Gaspé. He did not say anything. I gave him my lines and he soon got himself speckled over with mackerel scales. He said, "Where have those fellows gone?" I said, "You have frightened them away." He said, "I would not hurt them." He had seven men with him, and they bothered us a good deal. They took lines, but they could not fish.

Q. Did the cruisers succeed?—A. Not at all. As soon as ever they passed along, the vessels came right in again and fished just as eagerly, and more eagerly than if they had never been disturbed.

Q. Supposing we could keep them out, what would be the effect on the American fleet, in your opinion; would they pursue the deep-sea fishing?—A. They would not come there at all. Why, what would be the use? They would not get any fish outside, not in my experience.

I could never catch any. What would be the use of them coming in seeking fish when there were none?

Q. Have you ever conversed with them?—A. Yes, for hours. They have come, a dozen of them, and stopped with me over Sabbath and gone away Monday morning.

Q. What is their opinion with respect to our fisheries—the quantity of fish taken within the three-mile limit?—A. I never heard them say much about it, but I have heard them say that they would not come in the bay if they would not be allowed to fish where they pleased the next year. But perhaps next year they would be in the same as ever. I have heard them say, "We would not come in unless we could fish where we wanted to catch them." Still they would come. I would see the same captain there next year who said that.

Q. You have given me the average number, in your opinion, of the American fleet, and their opinion of the average catch for a number of years. I want to ask you your opinion as to what proportion of the catch taken by the American fleet is within and what proportion is beyond the three miles from shore?—A. From their own statements they would take two-thirds inside, and the other third too, pretty nearly, from their own statement. Some do fish in deep water when the fish is plenty.

Q. On those banks?—A. In deep water.

Q. Some catches have been taken?—A. Yes, there have been a few catches. Some skippers would sooner go there and fish if they did not get any fish than run the risk.

Q. And they did get a few?—A. Some skippers got all they caught in deep water.

Q. There have been cases when a vessel has taken a cargo in deep water?—A. O, yes.

Q. But taking the proportion you think that two-thirds are taken inside and nearly the other third?—A. Yes.

Q. Do you believe that over two-thirds of the catch of the whole fleet have been taken within the limit?—A. Yes, always. There would not be one vessel out of twenty that would take a cargo in deep water. Perhaps about one vessel out of twenty. They would be large ones that would do that.

Q. There could be no doubt about that matter?—A. No. I have been among them all my life-time, although I never fished on board them.

Q. I understand that the better class of mackerel are taken in August or later on in the fall?—A. Yes.

Q. Now, with reference to this class of fish, are they taken closer in to the shore than the smaller fish or farther out?—A. They are taken in right along the shore.

Q. Then the big ones are taken in the same places as the small ones?—A. Yes.

Q. But I understood that the small ones kept off the shore?—A. The small ones, that are not fit for catching, keep off the shore, and do not come in until it is late in September. They do not bother us until then.

Q. The big mackerel keep inshore?—A. Yes. The small ones grow up somewhere on the Banks, I believe, and they never come in until from the middle to the last of September. They are then about three inches long, some of them not that length. Next year they will be a little larger, perhaps six inches long. These will appear in the same way, late in the season. I am doubtful if they come in until they are from nine inches to a foot. They may not come in again for a couple of

years, or perhaps never. I am not aware that they do. We are very seldom troubled with tinkers—that is, mackerel about six inches long.

Q. Is it only when the mackerel are full size that they come inshore?—A. Yes; we are never bothered with anything inshore but good mackerel, until late in the season.

Q. Now, there are the Magdalen Islands; are they a good fishing-ground?—A. Sometimes; formerly, when the mackerel were plenty, it was a very good fishing-ground. There are a considerable number of mackerel there now.

Q. Is it as good as the other places you have mentioned?—A. When they strike coming in or going out it is a good fishery.

Q. How long do the fish last there?—A. About three weeks.

Q. Have you caught much of your fish there?—A. Sometimes we would blow off with a west wind off our own shores and take shelter there, and when the wind would die out we would get a catch. The Americans would be there in hundreds. I have seen Pleasant Bay full.

Q. Some of the witnesses have spoken of the high winds preventing a successful fishery?—A. Yes; it is a very windy hole.

Q. Has that any effect upon the fishery there?—A. Well, if it were not for the good shelter in Pleasant Bay I don't know that we could stay there at all. It is a good fishing-ground provided there is good shelter.

Q. But in the absence of good shelter?—A. That spoils the fishing.

Q. Taking it as it stands, are the mackerel fisheries there resorted to to the same extent as the fisheries around Prince Edward Island, Cape Breton, and Bay Chaleurs?—A. No, not at all. Next month is the month around the Magdalens. The fish will be going down.

Q. This season, you say, is a good season?—A. So far it has been.

Q. Have you seen any of the American fleet around your harbor of New London?—A. Yes; there were a good many that came in week before last—large vessels.

Q. Can you point to New London?—A. It is about the middle of the island; right in the bend of the island. It is as near the middle as it can be, on the north side. A northeast wind blows directly into the harbor. A southwest wind blows directly out. A good many large vessels have gone up—all seiners.

Q. I want to ask you with respect to that seining, what effect it has upon the fisheries?—A. O, that is part of a branch that would soon clear out the Gulf of Saint Lawrence.

Q. Is it destructive?—A. Yes, because very often they get a haul and lose them, that is, they lose one-half of them before they get them in. Perhaps they lose, in some cases, the whole of them. If the fish once get in the seines they clear out.

Q. A large proportion of them are killed?—A. Yes, sir. They take everything, young and old, mixed.

Q. Can they seine in shallow water as well as in deep water?—A. Yes. I was speaking to the captain of the Eastern Queen. He has a shallow seine. He got a haul down at Pomquet Island. About three weeks ago he was inquiring if there was much chance, and I told him they were done schooling. He took 106 barrels.

Q. Close in?—A. It must have been close in. There was no more schooling, and he went up to Bay Chaleurs. He was not long gone.

Q. Suppose the fishery was prosecuted with seines for some years, how would it leave you?—A. It would leave us without fish. It would soon take them off. They were a little too late in the case I have mentioned. I expect they heard they were schooling there, but they were done before

they came. I am speaking now of New London, and all along the shore from North Cape to West Point. They were schooling in every direction along there. If the Americans had happened to hit in about that time they would have made a good haul.

Q. How would it have been for you?—A. They would have soon driven the fish off.

Q. As a rule, are you fond of seeing the Americans?—A. Well, we never say anything against them, but we would not like to see them seining if we could help it.

Q. Is their presence a benefit to the boats or not?—A. No; they are right the opposite. We don't like to see them come at all. They trouble us a good deal. But our boats have now got so numerous that when an American gets the fish they get around him too. We had no market for our fish formerly, and did not care how many of them came, but now that we send our fish to the States it is different. We have our own merchants to receive them. If we were prohibited now, that would knock us up.

Q. Will you please repeat that answer?—A. We do well enough now by sending our fish to the United States, but if we were prevented by them coming seining and taking them away, that would knock us up. That is what I said, I think.

Q. Supposing you kept them out, or that the British Government kept them out beyond the limits altogether, and you had the three miles from shore all to yourselves, would you care about the duty then?—A. No, we would not. I think we would have it all to ourselves. They would soon catch all the fish belonging to themselves, and if they were kept out altogether beyond the three-mile limit we would be all right enough. We would continue fishing.

Q. How do you send the fish on?—A. By packet to Charlottetown, then by the American steamer to Boston. Sometimes we send them to Shediac. Last fall we sent them to Shediac.

Q. With respect to the practice generally prevailing in most American vessels of cleaning the fish on deck, and throwing the offal over, what is your experience as a practical fisherman of the effect of that?—A. I would not throw it over if I could do anything else, because I think it destroys the fish. It hurts them a good deal. When there used to be offal thrown over it drove them away. I think it hurts the fish a good deal throwing so much offal overboard, but it can't be helped. You must do it. You have no place to put it.

Q. Your boats do not do it?—A. O, no. They would not clean the fish on the grounds for anything. They clean them on shore.

Q. And your experience has been that when the fish are cleaned on deck and the offal thrown over, the fish are destroyed?—A. It hurts the fish. I do not know whether they do not like it and hunt up clear waters, or whether it kills them; I do not know. But it hurts the grounds exceedingly. In a few days it drives them all off. There is a great deal of blood in the mackerel. There is no fish that has so much according to its size.

Q. The right to tranship their cargo, is that valued by the American fishermen—or is it of much value?—A. I would say it was when the fish was in, or there were good prospects for fish. They used to land them at Causeau and it would save them a trip. They get their fit-out as cheap or cheaper than they could in the United States. I never knew that they were prevented from transshipping. I always saw them do it.

Q. Of late years?—A. Yes.

Q. There was a time when they had no right to do it. I suppose you are aware of that?—A. I don't know, but I have seen them do it.

Q. Well, as an actual fact, without regard to the right to do so, is that transshipping a benefit?—A. Yes; I should say so.

Q. Is it so looked upon by them?—A. Yes; if it was not, they would not do it.

Q. I want you to give some idea of what value it is.—A. Well, I could not say that. They might get a cargo while they were going home. I have heard them say that themselves. They used to run into Charlottetown, a good many of them, and send off their fish. If they did not find it a benefit they would not do it.

Q. No, I suppose not. They are generally pretty shrewd men, the American fishermen?—A. If they were not they had no business in the bay when the cutters were in.

Q. You never fished with them?—A. No.

Q. I do not know whether you have been engaged to any extent in the cod fishing. Have you?—A. No; not in the Labrador cod fishery.

Q. Do the Americans pursue that fishery at all?—A. O, yes.

Q. To any extent?—A. They used to largely. I can't say for the last two years. They used to go to Labrador, bank fishing. In the spring a good many come down to Cape North and between that and Bradley Bank.

Q. Do you catch bait around the coasts of the island?—A. Yes.

Q. You mean yourself?—A. I go for them myself. I charter a small vessel and load it.

Q. Where are the cod caught about the Labrador coast?—A. All around the shore—close in to the shore.

Q. At what distance from it?—A. Right by the shore; fast by the cliffs.

Q. You refer now to codfish?—A. Yes; they could not be caught anywhere else. In the spring, they are all caught with hand-lines.

Q. Are any cod caught outside in deep water?—A. No, they do not try for them outside.

Q. What is the number of fleet engaged in prosecuting this fishery?—A. I could not say.

Q. You could not give an approximate to the number?—A. No; I saw American vessels almost everywhere along the shore, but I never took count of their number.

Q. Does not an American fleet fish on the Banks?—A. There are the 40 sail in the spring of the year, which I mentioned; sometimes there are more or less. I have seen forty coming for bait.

Q. Do they use ice?—A. O, yes. They all do.

Q. Where do they get it?—A. Some fetch it with them; I don't know where they all procure it; some obtain it in Nova Scotia, and others at the Magdalen Islands, and some at Cape North. They could not keep their bait fresh without ice. This lacking, the bait would not last any time. They generally take two large dory loads for bait, and they pay \$1 a dory load. I have myself often sold it to them.

By Mr. Foster:

Q. Two large dory loads of what?—A. Of herring.

Q. And they pay \$1 a boat load for it?—A. Yes.

By Mr. Davies:

Q. They are cheap?—A. Yes. That is the price as a rule. They never charge more than \$1 for a dory load.

Q. How many barrels are there in such a load ?—A. Dories are small; they will hold from 9 to 12 barrels.

Q. These fish must be very plentiful there ?—A. Yes, at times, they are very plentiful; there is, then, any quantity of them.

Q. Are there any salmon to be found to any extent around our coasts in the gulf ?—A. Plenty of salmon are found around Miramichi, and all round that bay, outside and about Anticosti, and also where I have been on the northwest coast of Newfoundland, and all down that coast. There are very few of them about Prince Edward Island.

Q. Leaving out Prince Edward Island, salmon are found around the coast throughout the gulf ?—A. They are to be seen around the New Brunswick coast and the Bay of Chaleurs.

Q. Are they caught to any extent by the Americans ?—A. I do not know that; I cannot tell.

Q. They are caught about the Bay of Chaleurs ?—A. Yes; I have seen Americans coming down to some parts of the Gulf of St. Lawrence by Shediac, but I cannot tell you whether it was their intention to buy or to fish. They have made inquiries of me when coming down and I rather think that they intended to buy. I do not know of any of them catching these fish there.

Q. Captain, you have been for forty years constantly engaged in prosecuting these fisheries, and have you ever gone to American waters to fish ?—A. Never.

Q. Did you ever know a man leave our gulf and go to fish in American waters ?—A. Well, yes. They have stopped up there and gone out in the spring, ready to come down with the Americans.

Q. But have you known any Canadians go down there to fish ?—A. No; I never knew any one go from here on his own account to fish there.

Q. You never knew any one to go there in British vessels ?—A. Never.

Q. Why do not Canadians go and prosecute that fishery ?—A. It would be no use to go there to fish.

Q. Why ?—A. The Americans would run us off.

Q. You would not like to invest much money in such a venture ?—A. I would not think of doing it. I would sooner wait until the fish come up on our coast.

By Mr. Foster:

Q. From whom are those dory loads of bait, bought ?—A. From anybody that will sell them; they are obtained from Canadians sometimes, and as often out of their own schooners as any other way. If they do not take them out of their own seines, they secure them from anybody they can.

Q. The Americans and you too buy them ?—A. We do not; we catch them ourselves.

Q. And the Americans buy them of each other or catch them themselves ?—A. They will not buy fish from Canadians while they can get them from their own men; but they must have the herring as quickly as possible.

Q. Why ?—A. They want to get on the fishing-grounds.

Q. On what grounds ?—A. The trawling-grounds.

Q. Where is that ?—A. Out back of the Magdalen Islands, about Cape North and Bank Bradley, about 20 miles or 40 miles from where the herring are caught.

Q. Where do the American fishermen come to trawl for cod?—A. They fish around the Magdalen Islands and Bank Bradley, &c.

Q. They do not wait to catch the herring for bait, but secure them as quickly as they can?—A. The first thing a cod-fisherman does when he comes there is to secure bait; in twenty minutes afterward he will have a load if possible. They lay the vessels off and never come to anchor. The Yankees are not very apt to lose time if they can help it.

Q. Because their vessels are large and expensive, I suppose?—A. Yes.

Q. You spoke of vessels you own as costing for outfitting and wages \$2,000 a year. How long would a full season last?—A. That is for the outfitting without the vessel.

Q. But it includes the pay of the crew?—A. Yes.

Q. How many would there be in the crew?—A. About twelve hands.

Q. How much are they paid?—Q. Either \$25 per month or one-half of what they catch.

Q. When you were estimating the cost of the outfitting at \$2,000, you, of course, included the wages paid?—A. Yes.

Q. What portion of that \$2,000 would be the wages of the crew?—A. It would be according to the time we would be out. For four months it would be \$500.

Q. Five hundred dollars for the twelve men?—A. Yes.

Q. When you speak of \$2,000 as paid for a full season, do you mean a season of four months?—A. Yes.

Q. Then of the estimate of the cost of outfitting and wages for one of your vessels, with a crew of twelve men, the wages paid would be one-quarter—\$500 in the \$2,000. Does that include the captain's wages?—A. Yes.

Q. What is he paid?—A. He would want \$25 or \$30 a month at any rate; but he does no more than any other person on board.

Q. Did you include that in your estimate?—A. Yes. There would be twelve all told—cook and all. The cook generally gets more than any other man.

Q. Does the owner pay the cook, too?—A. Yes.

Q. That would amount to more than \$500, would it not?—A. Sometimes this would be the case; but this is generally what we lay out. The average would be \$500, taken either on shares or on wages.

Q. And that would cover the wages of a captain and cook?—A. Yes.

Q. How many men would there be in your boat, which averages a catch of one hundred barrels?—A. Four.

Q. And how long is the fishing season for boats?—A. From the first of July to the last of September.

Q. You spoke of the time when the fishing was good, and, as I understood, made that time end about four years ago?—A. Yes, it would be about six years ago since I gave fishing up.

Q. And did you give it up because it was poor?—A. Yes; partly.

Q. You told the Commission that on the average 500 American vessels had been there yearly for the last twenty years; what would the number be for the last five or six years?—A. I do not think that it would be one hundred.

Q. Were there one hundred during the last five years?—A. There were more than that during this period. During the last two years there would not be over fifty; and I do not think that the average for the past four years would be one hundred.

Q. How many have you known to come up this year?—A. I should think about fifty sail.

Q. Up to the present time?—A. Yes.

Q. Did I understand you to say that they were rather late for seining operations this year?—A. They were a week late.

Q. Are they there now?—A. Yes; a good many of them. They are the very finest vessels I ever saw in the gulf; I never saw such large vessels.

Q. Have not some gone home?—A. Perhaps; but I am not aware of it.

Q. Have you been in the habit of buying mackerel at all of other boats?—A. Yes.

Q. You buy them fresh and cure them yourself?—A. Yes.

Q. What do you pay for mackerel in the fresh state?—A. When they are poor we give \$1 a hundred. We are now paying \$2 a hundred.

Q. Is that for such as make number ones?—A. Yes; but they are not all number ones. We have to take them as they are caught.

Q. Do you pay \$2 a hundred for them?—A. We were paying \$1.50, but when I left home we were giving \$2.

Q. For a hundred fish?—A. Yes.

Q. How many fish are there in a barrel?—A. About 300 now. A month or two ago it would have taken 350 or 390.

Q. Then do you pay as high as \$6 a barrel for fresh fish?—A. Yes.

Q. How much did you pay last year?—A. We did not then pay higher than \$1.50.

Q. That would be \$4.50 a barrel?—A. Yes.

Q. And the year before last?—A. The price then was the same as it was last year.

Q. How much did you pay four years ago?—A. About the same, from \$1 to \$1.50.

Q. What did fresh mackerel sell for during the years when the fishing was good—prior to the last five or six years?—A. We never bought any then.

Q. What became of those which were caught in the little boats?—A. We could not get them to buy. Only a few individuals started the business, and very few caught them.

Q. Do you mean that there was not much boat-fishing during the good year?—A. Yes.

Q. And those who did catch in the boats had to sell at a very low figure?—A. Yes; they put them up themselves and sold low.

Q. They could hardly sell the fish when fresh?—A. They would have so sold if they could, but there was nobody to buy.

Q. Could they buy them for \$1 a barrel?—A. No; nor for \$3.

Q. What would they fetch a barrel then?—A. Between \$6 and \$8. Mr. Hall, Mr. Howland, and some others used to buy them.

Q. There is no mistake but what the American bait is a good deal better than any other; there is no question about that?—A. No, it is always very well liked, but we have to pay pretty high for it.

Q. Do you buy it?—A. Yes.

Q. How much of it do you use?—A. I used 20 barrels last year and I bought 20 more barrels this year, at \$5 a barrel.

Q. That makes \$100 spent for menhaden bait?—A. Yes.

Q. Do you mix this bait with herring?—A. Yes; and sometimes we mix it with clams. At the latter end of the season it is that bait which we want. When the fish are poor, almost any bait will do; but when they are in good condition, they require good bait.

Q. When do you use herring bait?—A. In the spring of the year and July.

Q. Do you mix menhaden with it?—A. Sometimes.

Q. If it was not for its expensiveness, you would not use herring at all?—A. No.

Q. Do you use mills to grind the bait?—A. Yes.

Q. And you mix the herring and menhaden together?—A. Yes; we also chop up clams with it. Bait-mills will not grind clams.

Q. I understood you to say that the Americans had shoal seines—do you allude to purse seines?—A. I do not know whether they are purse seines or not, but they are shoal seines. I asked the captain of a vessel at what depth of water he was seining, and he said at 12 fathoms. I said I thought that was too deep for along the shore, but he stated that he could work it.

Q. You have not personally seen purse seines used except in deep water?—A. O, yes.

Q. In shallow water?—A. No, in deep water. I have seen them take fish with purse seines in 20 fathoms of water; some years ago, I saw an American skipper employ them.

Q. I wish you would explain to the Commission the course which the Americans pursue when they desire to tranship fish. Where do they land them first?—A. The first place I ever knew used for this purpose was the Gut of Canso.

Q. How do they ship from there to Boston?—A. I do not know. I think they ship into other vessels or steamers. I have understood so. I have never myself seen them tranship. I know I have observed 3 or 4 vessels lying at Queen's wharf landing mackerel.

Q. Do they land them on the northern coast of your island?—A. No; but they do at Charlottetown.

Q. They do not send them across the island by rail?—A. No.

Q. Have you personally known them to tranship fish?—A. Yes.

Q. Where have you seen Americans land fish except at the Gut of Canso?—A. At Charlottetown.

Q. And when they did so, were they left in storage?—A. They remained on the wharf until taken off by a steamer, or some other vessel. I have seen 1,000 barrels of American mackerel lying there, which had never been inspected.

Q. Did I understand you to say that the transhipment of fish had never been prevented at any time?—A. I never knew it to be prevented.

Q. You never knew of any objection being made to it?—A. No, never.

Q. Did you ever know of any objection being made to the purchase of supplies by Americans?—A. No.

Q. Or of ice?—A. No.

Q. Nor of anything else which the merchants had to sell them?—A. No; I never knew any objection made save to the landing of barrels.

Q. They were allowed to buy clothing?—A. Yes.

Q. And butter and vegetables?—A. Yes.

Q. And they always did so?—A. Yes.

Q. You never knew of any difference being made in the treatment of them, either before the ratification of the treaty or afterward?—A. No more than with regard to any other people in the world.

Q. You were glad to trade with them as much as possible, I suppose?—A. Yes; they never had to pay duties save for landing barrels on the Magdalen Islands, as far as I knew.

Q. When was that?—A. Of late years; last year, I think.

Q. They had to pay duties for landing barrels?—A. Yes.

Q. I suppose that this was proper?—A. I do not know. That is for the customs officers to decide. They took the barrels away.

Q. They carried them away because they were not willing to pay duty?—A. They had to pay duty and they took them away again. They only paid duty for the privilege of landing the barrels.

Q. You do not pay the duty?—A. No.

Q. This offal spoken of accumulates in all fishing-vessels and has to be thrown somewhere?—A. Of course.

Q. There is no doubt about that?—A. Yes.

Q. It is not the practice of fishing-vessels to dump the offal among a school of fish while fishing?—A. They do not hesitate about that if they are in a hurry to get to another school. If there is a school alongside under these circumstances they will not wait long about it, mind what I tell you. They must get rid of it as quickly as possible. It is the most filthy thing that one can have about a vessel.

Q. And this spoils the fishing about the vessel?—A. Yes. They throw it over wherever they can.

Q. That has been the practice as far back as you remember?—A. It has always been the practice since mackerel fishing commenced.

Q. Do you really think that the failure of the fisheries during the last five or six years is to be attributed to this practice?—A. I do not know anything to the contrary.

Q. Do you think so much of it as that?—A. I do.

Q. The fisheries failed pretty suddenly, did they not?—A. No; for a good many years they were failing.

Q. Which was the last good year?—A. We have not really had a good year during the last seven years.

Q. Was not the year 1872 a good year?—A. Only on shore. It was good for boat-fishing, but not for the vessels.

Q. Which was the last good year for vessels?—A. I could not tell you.

Q. Which was the last year when there were as many as five hundred American vessels down there?—A. About twelve years ago. I was fishing then myself, and the fishing was very good.

Q. In a vessel?—A. Yes; and the vessels then did very well.

By Hon. Mr. Kellogg:

Q. When was the first year that you saw purse seines used?—A. I think that would be about twelve years ago. A man at that time had such a seine down here, and he took boats and all. He was a pretty old man, and on his first throw he caught herring when he expected to secure mackerel. He let them go, and there was another old man fishing quite near. He pitched the seine and took the latter, anchor, boat, and all. This man talked pretty loud about it, but the seiner said to him: "O, well, be quiet, and I will give you all the herring, while I take the mackerel." So he was well paid, obtaining as his share seven or eight barrels of fat herring.

Q. That was the first purse seining which you saw?—A. Yes; and this man caught the fish very quickly. He was not long about it. He was off in comparatively deep water. I do not know whether his name was Captain Parker or not—there are so many of them. I really forget the man's name, but I know he threw the seine in deep water and took about sixty barrels. This was the first seining I ever saw off our shore.

No. 15.

THOMAS R. BENNETT, 47 years of age, judge of the district court at Harbor Grace, Newfoundland, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Whiteway:

Question. How long have you resided in Newfoundland?—Answer. Since 1854.

Q. Have you a thorough knowledge of the fisheries of that island?—A. I have an intimate knowledge of them.

Q. How did you obtain it?—A. For many years I was engaged in mercantile business in connection with these fisheries.

Q. Both on the Southern coast and on the Eastern coast?—A. Not on the Eastern. The coast in the District of Fortune Bay is usually spoken of in Newfoundland as the Western coast. I merely mention it in order that I may be understood if I make use of the expression afterward.

Q. As a matter of fact, however, it is the Southern coast?—A. Yes.

By Mr. Dana:

Q. Where is Harbor Grace?—A. On the Eastern coast, in Conception Bay; it is situated on one side of this bay.

By Mr. Whiteway:

Q. You are a native of Nova Scotia?—A. Yes.

Q. How long did you reside at Fortune Bay?—A. About nineteen years.

Q. This is in close proximity to the islands of St. Pierre and Miquelon?—A. Yes; the islands of St. Pierre, Langley, and Miquelon lie across from the entrance to the bay.

Q. Besides a thorough knowledge of the Newfoundland fisheries, you have also an intimate acquaintance with the manner in which the fisheries are carried on by the French?—A. I have. I have been at St. Pierre Island probably one hundred times.

Q. What fisheries exist on the coast of Newfoundland?—A. The cod, salmon, herring, halibut, turbot, and seal fisheries.

Q. Are not caplin and squid caught there?—A. Yes; and there are a number of other species of fish which are sometimes taken for bait.

Q. Herring, caplin, and squid are the fish which are usually used for bait?—A. Yes; some fishermen use shell-fish, but this is very rarely done.

Q. Will you point on the map the Ramea Islands?—A. They are here, on the Western coast.

Q. Will you trace the map around Cape Ray to Quirpon and Cape John?—A. Here is Quirpon, and here White Bay, and there is Cape John.

Q. Between Quirpon and Cape John lies the part of the coast along which, I believe, the French and English enjoy concurrent right to fish, and where, under the Washington Treaty, the Americans have a right to fish?—A. Yes.

Q. And the Washington Treaty gave to the Americans the privilege of fishing from Rameaux eastwardly to Cape Race, and thence north to Quirpon?—A. Yes.

Q. So that, on this portion of the coast, from Cape Ray by Quirpon to Cape John, the Americans, English, and French have now concurrent right to fish, and the Americans and English on the remainder of the coast?—A. Yes. On the East coast are situated Notre Dame Bay, Bonavista Bay, Trinity Bay, and Conception Bay; and on the Western coast Saint Mary's and Placentia and Fortune Bay. The others are smaller inlets.

Q. Up to Ramea Islands?—A. Yes.

Q. By the Washington Treaty the Americans have concurrent right with the English to fish on that portion of the coast?—A. Yes; and on the whole of the coast.

Q. Proceeding from the Ramea Islands to Cape Ray, did the Americans prior to the Washington Treaty enjoy concurrent right of fishing there with the British?—A. Yes; under the Convention of 1818.

Q. At what distance from the shore is the cod-fishery carried on between the Ramea Islands and Quirpon?—A. This part of the coast from Quirpon to Cape John has rarely been fished on by the English until you arrive at Cape John. From Cape John around the whole of this part of the coast, by Cape Race to Cape Ray, it has been carried on as an inshore fishery, and from that point north it is carried on as an inshore fishery by the English and French.

Q. It is prosecuted as an inshore fishery?—A. Yes, entirely.

Q. When you speak of an inshore fishery, within what distance from the coastal line do you mean that the fish are caught?—A. Generally within a mile of the shore. There are not more than half a dozen places on this part of the coast whence the fishermen go beyond a mile and a half or two miles from the shore. They usually fish within a mile of it. I have even seen them conduct a very excellent fishing within one-quarter of a mile of the shore.

Q. As a general rule they fish within a mile and a mile and a half of the shore?—A. Yes.

Q. And occasionally they go beyond that distance?—A. They go beyond it very rarely—out to the Lower Banks—which lie 7 miles from the shore. A few boats go out there late in the season; that is, after the bait has left the shore. The fish have then gone off into deeper water; this would be about the month of October. They will make, perhaps, two or three trips, lying off one night and returning the evening of the next day.

Q. That is outside of the 3-mile limit?—A. It is 7 miles off. This is the only bank I am aware of where they fish. There is another called the Cape Ballard Bank. It is also about 7 miles from the shore. I am not so intimately acquainted with it as with the other, but I am aware that some boats belonging to Renews fish there, but only a very limited number.

Q. A limited number, and only occasionally?—A. Only occasionally, as I have always understood.

Q. With your intimate knowledge concerning these fisheries, could you form an estimate of the quantity of cod which would be taken outside of the 3-mile limit by the fishermen from Newfoundland?—A. Only a very small quantity is so taken—I should say not more than 5,000 or 6,000 quintals. To my personal knowledge not 1,500 quintals are taken; but, unless the Ballard Bank yields more fish than I am aware of, I should say that not more than 6,000 quintals are so caught. I should judge so from all the information which I have received on the point.

Q. Describe the cod-fisheries.—A. There is what is usually known as the Bank fishing of Newfoundland.

Q. What fishery is that?—A. There has been a limited Bank fishery during the past three or four years. Some three or four vessels have been fitted out for the purpose. An experiment has been made in this connection.

Q. I believe that upward of 25 and 30 years ago the Bank fishery was carried on extensively around Newfoundland?—A. Yes; very largely.

Q. What do you mean by the Bank fisheries?—A. The deep-sea fishery.

Q. At what distance from the coast is the nearest Bank, so called, of Newfoundland?—A. About 35 miles. The fishermen formerly, when they carried on this fishery, ran down until they were about 35 or 40 miles from the St. Pierre and Miquelon Islands; they then came to and fished. Some old experienced fishermen have told me that this was their rule. They would run off southwest of these islands and fish about 35 and 40 miles from them.

Q. That is what is termed the Grand Bank?—A. No; it is St. Peter's Bank.

Q. The Grand Bank is about thirty-five miles from Cape Race?—A. The inshore edge of it is about that distance off. I think that the principal and best fishery is situated from eighty to one hundred miles off the coast of Newfoundland.

Q. The deep-sea fishery is carried on at distances varying from thirty-five to two hundred miles of the coast by the bankers?—A. Quite so.

Q. And this fishery has not been carried on from Newfoundland for upwards of twenty-five or thirty years?—A. It is longer than that. It is a very expensive fishery.

Q. Until within the last four years?—A. Within the last four years the government of Newfoundland has been giving a bounty in order to encourage that fishery; and some four or five vessels, I think, have been fitted out for the purpose.

Q. And these are the only two places where the cod-fishery is prosecuted inshore and on the banks?—A. Precisely.

Q. What other fishery is carried on the coast?—A. There is also the salmon-fishery.

Q. This is carried on principally with nets set out from the shore?—A. Yes, altogether. There are one or two rivers which the fishermen bar, in some out-of-the-way places; but this is illegal.

Q. It is carried on along the coast and in the rivers as well?—A. It is prosecuted in the rivers to a limited extent.

Q. There is also the herring fishing?—A. Yes; there is a large herring fishery.

Q. Where is it carried on?—A. In nearly all the large bays of the island. The principal home for the herring is Fortune Bay.

Q. Are they taken in Fortune Bay all the year round?—A. Yes.

Q. And in Placentia Bay, also?—A. Not all the year round; but large quantities are taken there on some occasions, especially in the spring of the year, in April and May.

Q. When do the herring make their appearance on the eastern coast of the island, from Cape Race northerly?—A. They appear in Conception Bay in April and in Trinity Bay about the last of April. I am not personally acquainted with the bays farther north than that; but I am informed that they appear about the same time in Bonavista and Notre Dame Bays.

Q. Between Cape Race and St. John's and Conception Bay they make their appearance about the same time?—A. Between Cape Race and Conception Bay, yes.

Q. How long do they remain on that coast?—A. Until the month of July; and in fact they may remain longer. They are hardly used except for bait, and they continue there until better bait comes, and probably longer.

Q. Do they remain there until toward the end of the year, in November?—A. I imagine so; but the fishermen do not then take the trouble

to catch them. As soon as the caplin strike the coast the fishermen take them, these being better bait.

Q. When do the caplin strike the coast?—A. Usually from about the 5th to the 10th of June, on the western coast. Perhaps they are a week later on the eastern coast. They usually strike around Deadman's Cove in Fortune Bay about the 5th of June.

Q. How long do the caplin remain on the coast?—A. I should think on the average, six weeks. I have known them to remain two months.

Q. And are they used as bait by the cod-fishers during that time?—A. They are; they form the choicest bait the fishermen can then get.

Q. When do the squid make their appearance?—A. This year they appeared on the coast about the 1st of July; usually, I think you may say that they appear from the 8th to the 20th of July. They do not always come exactly at the same time.

Q. They are generally, in fact almost always, in before the caplin leave?—A. Yes; always.

Q. And they then succeed the caplin as bait?—A. Yes.

Q. How long do they continue on the coast?—A. As long as the fishermen require to use them. The last place where I have known squid to be taken is Bay North, and the time was about the 15th December.

Q. They continued on the coast during the whole of the fishing season?—A. Yes.

Q. What do you call the cod-fishing season of Newfoundland within the limits referred to?—A. It varies to a certain extent along the coast. In fact, from Channel to Pass Island and along this coast it is conducted the whole year round.

Q. Name the localities.—A. From Channel to Hermitage Bay and Bay North, and through the whole of Fortune Bay, until you arrive at Garnish on the eastern side of Fortune Bay, it is conducted throughout the year; also in Placentia Bay toward the head of it; but along the more exposed parts of the coast it is conducted during the summer for about six months; and, generally, along the northern part of the island it is conducted for about six months in the year.

Q. This is on the eastern coast?—A. Yes.

Q. It is conducted there for about six months?—A. Yes; they begin about the month of May.

Q. And terminate about the month of November?—A. Yes.

Q. During this period of the year has there ever been a scarcity of bait, or has there always been a good supply of bait on the coast?—A. I think so; I never knew of any scarcity. I am aware that there have been local scarcities, but, universally speaking, bait has always been found in abundance around Newfoundland.

Q. That is, the bait you have just referred to?—A. I allude to herring, caplin, and squid.

Q. Where are caplin and squid taken?—A. Around the whole island and inshore—close to the shore, in the beach coves, and in shallow water.

Q. Where they come to spawn?—A. Yes. I think they also follow small animalcula there for food. I do not think that they spawn all the time during this period, for they are there from six weeks to two months. I think they come sometimes to feed, and they attract the codfish close in to the shore. The codfish follow them close in to the shore.

Q. And remain in shore?—A. Yes; feeding on them.

Q. You referred just now to a fishery carried on in some places one quarter of a mile from the coast; have you known of the fishery being

in some places carried on so close that the fishermen would go on shore for their meals every day at meal-hours!—A. This is at New Harbor on the western shore, and at one or two other harbors. They fish at these points very close to the shore. On one or two occasions I saw the people belonging to the shore calling them to dinner. I made inquiry of the people, and they told me that they put their moorings down in autumn within a short distance of the shore, and fished for six months with the same moorings. They would thus proceed with the fishery during the winter months, and when the spring opened they laid their moorings down a little farther off.

Q. To all intents and purposes it is entirely an inshore fishery!—A. Yes; there can be no doubt of that.

Q. Do you remember, Mr. Bennett, the period during which the Reciprocity Treaty between Great Britain and the United States was in operation!—A. Yes.

Q. Are you aware whether, during that period, American vessels did fish on the Newfoundland coast and obtain bait there!—A. No. During that period they never used their fishing privileges; in fact, I think they never came on the coast until within the last four years before the treaty expired.

Q. With regard to the herring-fishery of Fortune Bay—is it prosecuted to any very considerable extent by Newfoundlanders and others, and how!—A. As a matter of commerce.

Q. In both ways!—A. It is carried on to a large extent for bait. The Americans get a large quantity of bait there, and the French also.

Q. Is it from Fortune Bay that the fishermen of Saint Pierre and Miquelon are supplied with bait!—A. Yes; also from Placentia Bay; but they are principally supplied from Fortune Bay.

Q. Are the herring sold to the French in a fresh state!—A. Yes, and they buy large quantities of them.

Q. What, on the average, would be the quantity of bait supplied to the French vessels for baiting purposes!—A. It would be very large.

Q. Does it altogether consist of herring!—A. No, not of herring; caplin and squid.

Q. Can you form an estimate as to the average quantity supplied!—A. I think that the quantity taken by each vessel would be, for the larger bankers, from 100 to 200 barrels of herring for each trip, and from 80 to 200 barrels of caplin for each trip; as to squid, I could scarcely form an estimate, because they are in the habit of taking large quantities of it in their own harbors of Saint Pierre and Langley, besides buying from English fishermen.

Q. These fish are bought by the French!—A. Yes.

Q. And then they are used for the purposes of the Bank fishery!—A. Yes.

Q. Have the Americans obtained bait there since the Washington Treaty came into operation!—A. Yes, and previously; indeed, they have secured large quantities. Of course, previously, it was illegal to do so, but they avoided coming near where there was any magistrate or customs officer. Then, however, they did not come to the coast to any great extent; they did so to a limited extent.

Q. As a matter of fact, did they then come there!—A. They did.

Q. To localities distant from any magistrate or customs officers!—A. Precisely. In 1872, over two hundred sail of American vessels came to Fortune Bay. They were then made bolder, because that was the year when the Washington Treaty was negotiated; and although it was not

at the time accepted by Newfoundland, still it was assumed they had a right to come. They did, at all events, come for bait.

Q. Did they catch it themselves or buy it from the people?—A. They partly caught it and partly bought it. They made arrangements with fishermen, which they called selling bait, but it was partially selling and partially catching. I will describe it. They were in the habit of calling into some of the outlying harbors, Ballaran, St. Jacques, and English, and one or two others, and making arrangements with some man who had a seine; and they would then go up Fortune Bay, say to Long Harbor, fifteen or eighteen miles up, or to Mal Bay, Bay Recontre, or Bay d'North; there are deep arms in the bay, with bait in them all the season round, and they are very quiet places for the taking of bait. They make arrangements with the seine owner to go himself and catch, with their assistance, what bait they require. They usually pay out during the summer about \$20 for each trip, and take from fifty to eighty barrels of herring. They pay it in a lump sum for the use of the seine and the skill of the seine owner. The latter would be unable to haul the seine without the assistance of the American crew from the schooner. The crew do the work, and the Newfoundland skipper conducts the operations.

Q. The crew of the American vessel actually takes the bait?—A. As far as my experience has gone, yes. I observed matters very narrowly that year, and I never knew a crew of Newfoundland fishermen during this time wholly take the bait for the Americans. I have only known of it being procured in the way I have told you.

Q. So that is what the Newfoundlanders, in common conversation, term selling bait to the Americans?—A. Certainly; quite so. There may have been cases in which the Americans were supplied with bait, when Newfoundlanders had illegally stopped herrings. What I mean by stopping herrings is, to put out a large seine and surround a large school of herring in a quiet place, and keep them thus inclosed for a month or more. If the Americans wanted bait quickly, they might have on some occasions purchased it from those who had stopped herrings in this manner. It is an illegal practice, and is only carried out in places where custom officers or magistrates have no supervision; that is, too far away from them to permit of this being done effectually. Such purchase, of course, encourages illegal conduct on the part of our people.

Q. The herring come in very large quantities and ran up into small, deep inlets, where a stop of seines has been put across?—A. Not across. They surround the schools of herring.

Q. They are then kept inclosed for a month, you say?—A. I am told a month, and I believe it. I am quite certain that it is the case. Many of the fish die; and sometimes a gale of wind necessitates the tripping of the seine and the taking of it up. The whole mass of the herrings is then killed, and allowed to remain on the bottom and rot.

Q. There is a law which prohibits this custom?—A. Yes; it has existed for many years.

Q. What is your opinion regarding the effect of that mode of fishing on the herring-fishery?—A. I think it is most destructive, and the law prohibiting it I consider to be a most wise one. It was found necessary many years ago to pass a law prohibiting the use of seines from the 1st of November until the 12th of April, and prohibiting absolutely the use of seines for any other purpose except that of casting and forthwith drawing them. This extra demand for bait no doubt has arisen in consequence of the Americans coming there, and, I suppose, inducing parties to commit a breach of the law outside the effectual jurisdiction of

customs officers or magistrates. I believe that they are very scarce around the coast. It is very thinly settled, and has very few custom-house officers stationed along it. There are not nearly as many of them as are required now, whatever may have been the case in former times. More are now needed, because there is more inducement presented to violate the law than there was before the Washington Treaty was negotiated.

Q. And there are now more facilities for smuggling?—A. O, precisely. There is no doubt about that.

Q. The population of the island is about 150,000?—A. Yes.

Q. How are the people located around the coast?—A. The farthest official of the Newfoundland Government is stationed at Channel. Then there are three on this southern coast until you arrive at Briton Harbor, where one is stationed; and then, say for sixty miles up the bay, there are no customs officers or magistrates, unfortunately.

Q. The officials of the government of Newfoundland are stationed between Channel on the south and around to where?—A. To Tilt Cove on the north; but there is no government official on the north of the island.

Q. And there is none between Cape John and Cape Bay on the other coast?—A. No.

Q. And you say that they are even scarce on the portion of the coast you have pointed out?—A. O, there are large tracts of the country where there is no government official.

Q. Are the people living in every small cove and inlet along the coast?—A. Yes; on this southern coast they are.

Q. And north, too?—A. In the north every harbor is settled; but the harbors are not so numerous on the southern part of the island.

Q. They are in smaller numbers?—A. Yes.

Q. Do all of them carry on the fishery?—A. Yes. When I say all, I might explain that the agriculturists are very few in number. The census will show that they are not numerous, and they are not really agriculturists, because they pursue fishery and agriculture combined.

Q. You spoke of the herring fishery at Fortune Bay; is there a large winter fishery carried on there?—A. This has been the case for a number of years. During the Reciprocity Treaty it was prosperous; in fact, it was the only branch of commerce in Newfoundland that benefited to any extent by the Reciprocity Treaty. At that time there was a large herring fishery for the supply of the slaves of the Southern States, principally Virginia and North and South Carolina, and also for the supply of the West Indies. The description of herring caught in this bay is very suitable for hot climates and these markets. From 60,000 to 70,000 barrels of herring were annually taken for the purpose of being exported from Fortune Bay alone for several years, until the war broke out.

Q. These were not caught, I think, by Americans, but purchased from Fortune Bay people?—A. The Americans themselves did not engage in it. During the first six years of the Reciprocity Treaty it was wholly in the hands of those doing business on the Newfoundland coast.

Q. And, during the last four years of the Reciprocity Treaty, you say that it was altogether carried on by the Americans by purchasing from Newfoundlanders?—A. Yes.

Q. They did not fish there themselves?—A. No; not during the existence of the Reciprocity Treaty.

Q. Since the Washington Treaty came into operation, has any new trade in herring, in which the Americans are concerned, sprung up?—A. They began, four years before the Reciprocity Treaty terminated, to ship herring in a frozen state to supply the New York market and to supply

their fishermen at Cape Ann with early bait for the George's Bank. They fish on the George's Bank during February and March. Some 30 or 40 vessels commenced to come there perhaps two or three years before the Reciprocity Treaty expired, and afterwards they still continued to come.

Q. Have American vessels during the last two or three years, since the Washington Treaty has come in operation, taken large cargoes of herring to Sweden and other countries from Fortune Bay?—A. I believe so. I have heard so, and I believe that it is a fact.

Q. You have no doubt of it?—A. None at all. I have not observed it myself, but there is no doubt of the fact at all.

Q. And as a matter of fact, you also know that the herring fishery of Fortune Bay and Placentia Bay is very prolific?—A. Yes.

Q. Do they take or purchase the herring sent to Sweden and the States?—A. I think they generally purchase. I have known them, however, to catch herring themselves. I remember that a steamer called Montecello came there and caught large cargoes. This was some four years ago, I think.

Q. You were a member of the legislature for some time?—A. Yes; for eleven or twelve years.

Q. And you have some knowledge concerning general statistical information and customs returns relating to the island?—A. Yes.

Q. Will you kindly refer to those returns and read their heading?—A. This is a return showing the quantities and values of fish and products of fish imported from the United States of America, and exported to the United States and all other countries from the Colony of Newfoundland during each year from 1851 to 1876 included.

Q. That relates to twenty-six years?—A. Yes.

Q. Judging from these returns, what advantage is, or is any advantage, derived by Newfoundland from the concessions made to you by the Washington Treaty?—A. You cannot infer from these returns that Newfoundland has reaped any advantage from any commercial concession made under the Washington Treaty. On the contrary, the exports of Newfoundland products to the United States since the ratification of the Washington Treaty have been very much lower than they were during the period when there was a heavy duty on these products. They have since been very much less. The average value of these exports for the four years preceding the Reciprocity Treaty amounted to \$225,722, and for the twelve years ending with the Reciprocity Treaty, \$367,500, and for the seven years after the abrogation of that treaty, \$348,281; and during the three years the Washington Treaty has been in existence the average value of the exports of Newfoundland to the United States has been \$222,112.

Q. Then they were less under the present Washington Treaty than they were while there were heavy duties imposed?—A. They were very much so.

Q. What deduction do you draw from that?—A. That the quantity exported to the United States is so trifling it has no appreciable effect on the commerce of Newfoundland. For instance, the quantity of fish shipped last year from Newfoundland to the United States was about 9,000 or 10,000 quintals out of a catch of 1,300,000 quintals. It is a mere bagatelle.

Q. Who supplies, then, the American market with fish?—A. They supply themselves. They have greater facilities to do so under the treaty than they had before. There is no likelihood of Newfoundland ever having to supply them now, whatever it might have done before.

granting them the privilege to catch fish inshore and take bait on the coast.

Q. Your exports to the United States amounted to far more when the duty existed than now the duty is off?—A. Yes.

Q. The Americans, having now the privilege to catch fish and bait on the Newfoundland coast, they, you say, supply themselves?—A. To a large extent.

Q. What are the markets essentially of Newfoundland?—A. Our largest markets are the Brazils, the Mediterranean, and England. To Spain, Portugal, Italy, and England we send the Labrador fish, an inferior description. But our best markets are certainly the Brazils.

Q. Are your fish cured in a particular manner to suit the requirements of those markets?—A. They are. The Brazils require a very hard-cured fish, and a very superior quality of fish; and in Spain they require a very hard and well and carefully cured fish; also up the Mediterranean.

Q. Are you aware as to whether fish have been imported into the United States from Newfoundland, and exported to the Brazils, West Indies, and other tropical markets?—A. I am not personally aware of it, but I believe such is the case. I have heard so from those who told me they exported fish.

Q. Are you aware of any difference in the mode of curing American and Newfoundland fish?—A. There is a very great difference. I have observed curing at the establishments at Cape Ann, Gloucester, and have visited there. The usual mode was to dry the fish three or four days, not generally more than four days, they told me, and then it was fit for home consumption. It would not stand a hot climate, nor would it answer to keep.

Q. Their fish is brought in in salt from the banks?—A. And then it is put in pickle in the stores, and, as required, it was sold out, perhaps 100 quintals with three days' drying, and another hundred quintals might require five days' drying, according to the distance it had to go. This was the system they told me they had pursued at Gloucester.

Q. Would fish so cured be suitable for the Brazil or Mediterranean market?—A. No. Our fish is kept on hand sometimes for six months. It would not answer at all unless it was hard-cured, and that requires from four to six weeks, under a moderate sun and cool winds.

Q. You are well aware of the climate of Cape Ann, Gloucester, and that neighborhood, and also of Newfoundland. What is your opinion, with regard to that climate, as to suitability for curing fish for tropical markets?—A. I don't think it is suited. It is too humid and too hot. I find it oppressively hot here, and I know it is much hotter at Gloucester and Cape Ann.

Q. What would be the effect upon the fish?—A. I am certain the fish would melt—would fall to pieces. If they attempted to cure with light salting, as in Newfoundland, where the curing is found more suitable for the Brazils and European markets, I am sure the fish would be sunburnt and fall to pieces, and it would not be a merchantable article. I am quite certain of that.

Q. How long does it take to cure fish in Newfoundland?—A. To thoroughly cure fish fit for those markets, from 4 to 6 weeks.

Q. Then, in your opinion, the opening out of the United States markets, coupled with the concession to the Americans to fish on our coasts, is really no advantage whatever to the people of Newfoundland?—A. I think not. The statistics prove it is no advantage; they speak better than any other testimony.

Q. You are fully aware of the mode in which the Americans formerly

got their bait to fish on the banks of deep sea?—A. Yes; I am aware of their mode of procuring bait. They usually used clams, pogies, or menhaden.

Q. What was the value of the bait which they brought down in the spring of the year to commence bank fishing, and what was the value of the bait they used during a season's fishing?—A. I have paid myself \$8 per barrel for clams and \$7 for pogies. I believe the average cost might be fairly estimated at \$6 per barrel to American fishermen.

Q. What was the quantity used during a season?—A. It is only a short time ago since one of them admitted that each used from 150 to 200 barrels of herring and other bait during the season; they could not conduct a season's bank fishing with less than 100 barrels of bait—not successfully.

Q. An average of what?—A. An average of 100 barrels; they could not conduct fishing successfully with less than 100 barrels of bait.

Q. Do you mean for the whole season or each trip?—A. For the season I mean.

Q. What would those 100 barrels of bait cost prior to the Americans having the privilege of getting that bait on the coast of Newfoundland?—A. Suppose there are 300 vessels on the banks fishing—and I believe there is pretty good evidence that there are 600 sail this season; admit that there are 300 sail.—

Q. Take an individual vessel.—A. An individual vessel, 100 barrels, at \$6 per barrel, would be \$600.

Q. For what can that bait be obtained on the coast of Newfoundland?—A. For about \$40. I am certain they never, during my knowledge, paid more than \$40 for 100 barrels of herring.

Q. That would be a saving of \$560 upon each vessel?—A. Yes; there would be a saving of that much.

Q. That, for 300 vessels, would be a large sum?—A. A saving of over \$160,000 a year.

Q. Upon 300 vessels?—A. Yes, upon 300 vessels.

Q. Resulting from the privilege being granted them of getting herring and bait at Newfoundland instead of having to bring it from the United States or Nova Scotia?—A. Resulting from the privilege of getting bait on the Newfoundland coast instead of bringing it from their own country.

Q. Are you aware as to any practice on the part of the American bank or deep-sea fishermen of throwing small fish overboard?—A. Yes; I have been on many occasions told they always threw the small fish overboard—fish under 22 inches in length, they told me. These fish were not suited to their market and were thrown overboard. That had been their practice, I know, for years.

Q. Since the operation of the Washington Treaty, what practice has grown up with regard to those small fish?—A. They save the fish now and bring them into Newfoundland market, and sell them there at from \$1.50 to \$2 per quintal.

Q. And over, I believe?—A. I believe so, but I speak within the mark when I say from \$1.50 to \$2 per quintal. The quantity each vessel would catch would be about 200 quintals. That is, the quantity every vessel would otherwise have thrown overboard would be 200 quintals.

Q. How do you get your information?—A. I got it through the captain of an American vessel.

Q. His estimate was that every American banker would throw overboard 200 quintals?—A. About 200 quintals of small fish during a successful voyage.

Q. Now, that is entirely utilized by it being sold in Newfoundland?—

A. Yes; and there is a duty on fish brought into Newfoundland of \$1.30 per quintal, which the American fishermen are now relieved of under the Washington Treaty.

Q. Figure that amount up, supposing the vessels to number 300.—A. 300 vessels at 200 quintals each vessel, would be 60,000 quintals of fish, which at \$1.30 per quintal would give \$78,000 as the amount of duty saved by 300 sail of vessel on fish brought into Newfoundland. There is also the value of the fish which would be thrown overboard if the American fishermen were not permitted to bring it into the Newfoundland market. At the low estimate of \$1.50 per quintal the amount would be \$90,000; and at \$2, \$120,000.

Q. That fish is very lightly salted?—A. It is lightly salted; they salt it to meet the Newfoundland market; they formerly threw it away. So soon as they discovered there was a market for the small fish, that it was well adapted for the Brazils, they immediately salted it lightly, as the Newfoundland manner is, for sale in Newfoundland. They would otherwise have thrown it away.

Q. What quantity of salt would be used on that fish—100 quintals?—A. About 12 hogsheads to 100 quintals.

Q. How much is it per hogshead?—A. The price in Newfoundland is about 7s. per hogshead.

Q. Then, I suppose, there is the labor of putting it down into salt, which would be comparatively trifling?—A. The oil would pay well for salt and labor. I have not computed the value, but it is the usual computation in Newfoundland that the oil pays handsomely for salt and labor of salting the fish.

Q. But the oil would be saved whether the fish were thrown overboard or not?—A. That I cannot speak of.

Q. Presuming the small fish were thrown overboard immediately they were taken out of the water, and the livers were not saved, you say the oil in the small fish would pay for the salt and labor used in curing them?—A. Undoubtedly, it would handsomely pay for them.

Q. Then you arrive at the conclusion that the value of that fish sold to Newfoundland, heretofore thrown away, is clear profit to the American fishermen?—A. There is no doubt about that. I have no doubt that the remission of duties on that quantity of fish is far larger than the remission of duty on all products sent by Newfoundland to the United States market.

Q. What is the average amount of duties on Newfoundland products remitted by the United States during the last four or five years?—A. I did not make up the average for the last five years. In the last three years the average amount of duties remitted on products shipped by Newfoundland to the United States is \$49,000.

Q. Then the actual remission of duties under the Washington Treaty by the United States amounts to under \$50,000, while the actual amount remitted by Newfoundland is \$60,000?—A. Seventy-eight thousand dollars.

Q. So that in remission of duties alone the account stands \$28,000 in your favor?—A. Precisely.

Q. Did you ever know a Newfoundland fisherman to go to the coast of the United States to fish?—A. You mean a Newfoundland vessel?

Q. Yes.—A. Never; such a thing was never known. I never knew them leave the Newfoundland coast, except on one occasion, twelve years ago, when four vessels tried the experiment of fishing round the Magdalen Islands—British fisheries in the gulf—but found the fish so

inferior to that caught on our own shores they never went again. That is the only occasion I knew them leave our shores to fish elsewhere.

Q. From your knowledge of the statistics of the island, what is the value of the fish and fish products taken by Newfoundlanders from Quirpon to Cape Race and from Cape Race to Ramea Islands?—A. The value by the statistics is about \$5,000,000.

Q. Will you enter a little into details with respect to this?—A. There are between 900,000 and 1,000,000 quintals annually taken on the in-shore fisheries of Newfoundland. I estimate the value of that fish at \$5 per quintal. There are salmon, herring, squid, and caplin also.

Q. By what number of fishermen, approximately, is that product obtained; in other words, how many are actually engaged in taking it from the water?—A. I am speaking now of the codfishing on our shores. Between 900,000 and 1,000,000 quintals are caught, and the number of fisherman may be fairly estimated at about 15,000 men; I mean in the actual catching of the fish.

Q. By the census returns there appear to be of the people of Newfoundland about 24,000 engaged in catching fish. Now, how do you account for the difference between 15,000 and the 24,000 mentioned in the census returns?—A. The others are engaged in the Labrador fishery.

Q. From the returns it appears that the exports amount to between seven and eight million dollars, and you value the catch on that portion of the coast from Querpon to Ramea Islands at five millions?—A. Yes.

Q. How do you account for the small amount apparently caught by the 9,000 fishermen as compared with \$5,000,000 worth caught by the 15,000 fishermen?—A. The shore fish is of very much greater value than that of the Labrador coast. The price of the shore fish last year was 29s. 6d. per quintal, while the current price of the Labrador fish was 22s. and 23s. The Labrador fish is always 5s. or 6s. per quintal less.

Q. Or even more than that sometimes?—A. Sometimes; but you may take it as a general average 6s. per quintal difference in price.

Q. In the customs returns there is a general valuation of the whole, is there not; what is the valuation of the whole?—A. The general valuation of the whole Newfoundland fish, including inshore fish, was for last year under \$4 per quintal. I notice the fish caught on the Newfoundland shores was put in at the same rate, evidently an oversight of the customs authorities, as it is far below the actual value, because undoubtedly the actual value last year was 29s. 6d. per quintal, and this year, before I left St. John's, shore fish were selling at 27s. 6d. per quintal. I estimate \$5 or 25s. per quintal as a fair average price of Newfoundland shore fish.

Q. Then, after a very careful investigation of these returns, you arrive at the conclusion, to which you are satisfied to pledge yourself on oath, that between Quirpon and Cape Race and Ramea Islands, on a fair estimate, the fish caught annually would be worth \$5,000,000?—A. I am; I believe that to be a fact.

Q. And they are caught by about 15,000 men?—A. I estimate that. The other point is carefully worked out.

Q. There are other fish taken which you make use of for other purposes?—A. The fishing class live almost entirely on fish, of course, and all classes in the country consume considerable quantities of fish.

Q. Do you make an estimate as to the consumption?—A. There are 150,000 in population, and say five persons in a family—the census shows more than that, but for the purpose of this calculation take that—there are 30,000 families. I think five quintals of fish would be a low average of the consumption of each family, and they would use five bar-

rels of herrings to each family. I have known instances where families have set aside ten barrels of herring each. All the fishing class partake of fish and herrings three times a day. That fish I would value at less than the cured fish, because all consumed during the summer would be fresh, and not worth within \$1 per quintal of the value of other fish.

Q. Then there is a large amount of caplin and herring used for manure?—A. Yes; and in fact it is almost the only manure they use on the island.

Q. Taking the whole together, what do you make up the amount to be?—A. I think the value of the home consumption and that used for agricultural purposes is fully \$1,000,000, or very near to it. I think it is not an unfair estimate to put it down at \$1,000,000.

Q. Then you consider the value of the inshore fishery, as at present prosecuted, is worth about \$6,000,000 annually?—A. Yes, I think so.

Q. Are these cod-fisheries capable of further development in the colony?—A. We have every reason to believe so. The fishery has been gradually increasing for a number of years, as the population has increased. I think we have every reason to believe that there is an abundance of fish round the island when the fishing is properly prosecuted.

Q. In regard to bait, you say the bait is found in large quantities in the coves and at every inlet and beach on the coast of Newfoundland?—A. Yes.

Q. During the last two or three years have there been American vessels on the coast for bait?—A. There has been a great number. In 1872, immediately the Washington Treaty had been negotiated, and before it was accepted by Newfoundland, I took special interest in the matter and made special inquiry, as at that time I was in the legislature and speaker of the house, and I was anxious to inform myself. I found over 200 vessels had entered Fortune Bay. I counted 47 vessels myself in one week, and from that date to this they have continued visiting the whole island. At that time they had not gone farther east than Placentia Bay. The people of St. John's had never seen any American fishing-vessels after bait, nor had any been seen at Conception Bay or Bonavista Bay.

Q. During the last two years many vessels have visited the east coast as well as the south coast for bait?—A. I have seen a great number of them. I have seen a great number of them this summer.

Q. How far north have they gone?—A. They have gone to my knowledge to Trinity Bay, but you may have evidence that they have gone farther north.

Q. Have they gone farther north?—A. They have gone to my knowledge to Trinity Bay; but I am not aware that they have gone farther north.

Q. I believe as a matter of fact they have not gone farther north?—A. I don't think they have. As far as my knowledge goes, they have not gone farther north.

Q. Their principal resort is between Cape Race and Conception Bay, inclusive?—A. Yes.

Q. And between Cape Race and Fortune Bay, inclusive?—A. Yes.

Q. During the past summer were there great numbers of American vessels in these localities?—A. There were. Every harbor had more or less of them. At St. John's, during one week—I was living there, and my hotel overlooked the harbor—I counted over 50 sail. Some of the customs authorities told me over 100 vessels had come in the bay and entered the harbor or remained just outside. On my way across to Con-

ception Bay and Harbor Grace, on 14th or 16th July, I saw three American fishermen in Portugal Cove. I saw their dories and the crew getting squid. I made inquiry, and was told they were purchasing them at 5d. and 6d. per hundred, and they also caught all they could themselves. I made further inquiry at Holyrood and found they were doing the same. They were catching squid as fast as they could, and were buying at the same time. At Mosquito, near Harbor Grace, there was an ice-house, and they furnished themselves with ice. During the week of July 14 six American vessels had got ice there, and they jigged squid at Harbor Grace Island, about one mile or one mile and a half from Harbor Grace, and they had rather thinned the squids out.

Q. I want to understand whether in those localities American fishermen have been constantly coming in during the summer for bait?—A. Yes; every day during the season.

Q. The bait was sometimes purchased from the people and sometimes caught by themselves?—A. I think they always combined the two together. When taking the herring themselves with seines their crew would haul in the herring with the assistance of the seining-master, and when jigging for squid the crew jig what they can and the skipper buys what he can. When seeking caplin, they assist in the same way. Some vessels bring their own seines for the purpose of taking caplin.

Q. What are the habits of squid?—A. Squid are never taken around Newfoundland, except near the shore, on ledges; generally, in a harbor or entrance to a harbor.

Q. They come in the coves?—A. No; they don't come into the coves. The caplin do so, but squid are caught on what are called squid ledges, which are a short distance off, perhaps a quarter of a mile.

Q. They are taken on jigs, not in seines?—A. I have known them taken in seines.

Q. It is prohibited?—A. It is prohibited; it is contrary to law.

Q. What has been the temporary effect on local fishermen of the great draught made in some places among the squid?—A. It has deprived the local fishermen of bait for the time being. I can describe the effect it had on the fishermen of Harbor Grace Island. I conversed with three of them, and they told me they had been five days without sufficient bait to catch the codfish, because the squid had been swept from their little jigging ledge. It was a place of very limited extent, and not like the usual places for catching squid.

Q. Then, although there may be a large quantity of squid bait on the coast, constantly coming in and out, still the increased demand upon these ledges make it temporarily difficult for local fishermen to get squid?—A. To only a limited extent, because they are taken more generally; but it would apply more particularly to caplin, which can only be taken in narrow coves. I have known many cases in which a seiner has completely swept the cove and left the local fishermen without any bait for the day. As a matter of fact, caplin come in with high tide, and if you do not then take them, you will not get any till the next high tide; so that if five or six caplin seiners take the bait for American fishermen, the local fishermen, with their dip-nets, will have no opportunity of taking any until the next high tide. It certainly makes a local scarcity, which sometimes will last three or four days.

Q. So far, then, it is a temporary injury to the local cod fishermen?—A. No doubt it is. Without destroying the immense quantities of bait on the coast, it does produce a local scarcity occasionally.

Q. The Americans purchasing the bait from the seller puts so much money into his pocket, and so far as a matter of trade, is an advantage

to an individual; but what is the effect upon a small community of one or two individuals supplying American vessels with bait?—A. My own impression is, that supplying American vessels with bait is one of the most demoralizing things for our fishermen. I think they are acting as mere jackals for the lion. It is most injurious to the local fishermen in more ways than one. The system of trade in Newfoundland is principally on the credit system, and a very expensive one it is, and most of the fishermen are indebted to the merchants, and they are ready enough to take \$20 from an American fisherman when they ought to be catching cod for the merchants who are supplying their families with goods. I therefore think it is a demoralizing trade.

Q. Would the fisherman's time not be much more beneficially and advantageously employed if, instead of getting \$20 for supplying Americans with bait, he applied himself to catching codfish with that bait?—A. Decidedly. To illustrate it: Two days before I left St. John's, a man belonging to Bay Bulls, 18 miles from St. John's, was in the office of the Hon. Ambrose Shea, and informed me that two days previous ten American vessels were in that bay, and engaged a number of local fishermen to catch bait for them, for which they obtained about 9d. per 100 for squid. During the same day a fisherman went out and caught ten quintals, worth \$5 per quintal. So any person can estimate what the value of bait-fishing is. This I am certain is the fact.

Q. You say business in Newfoundland is generally conducted on the credit system?—A. Yes; pretty generally. It is so all over the world, wherever cod fishing is carried on. It requires such an enormous outfit, it is generally done on the credit system.

Q. Then there is great attraction in \$20 in cash to a fisherman?—A. Some of them are very reluctant, but money and rum are a great object with them there.

Q. Are you aware of the mode in which the Americans prosecute the Bank fishing?—A. I am aware they prosecute it with trawls or bultows, and the deep-sea fishing with deep-sea lines.

Q. What is the general opinion entertained as regards the immense distribution of bait upon the deep-sea fishery on the coast of Newfoundland?—A. The general opinion is that it keeps the fish on the Banks. To illustrate it: about twelve years ago there had been a law passed to prohibit the hauling of herring before 12th of April, but practically the law was avoided, because there were no persons to carry it out, and the French were fishing with bait before 1st April, in many instances on 25th March; they got early to the Banks, and the consequence was we had a season of poor fishing. I remember that I induced the government to place a steamer on the western coast for the purpose of carrying out that law rigidly, and I volunteered myself to carry the law out. From that day to this it has been rigidly enforced, and the consequence has been that the fish have struck in during all these years much earlier than before, and we have had much better fishing. I think we may assume from this that a large and early supply of bait on the Banks is injurious to the local shore fisheries of Newfoundland. It is a fair inference.

By Mr. Dana:

Q. What was it that the vessel was to prohibit?—A. To prohibit the hauling of herring before 12th April; the law now is before the 20th April.

By Mr. Whiteway:

Q. On the eastern and south coast of the island, how has the cod fish-

ing been during the past two years?—A. I think not so good as it was before. The Americans have been supplied with abundance of bait, and they have laid down far more hooks than they were able to do before. I understand the bankers' catch has considerably increased, and we may infer that this is the cause why the fish are scarce on the southern coast of Newfoundland. The fish are scarce there, and American bankers are more plentiful and they have bait more plentiful than before.

Q. There are larger quantities of bait obtained from the coast, a larger number of American fishermen are on the Banks, and as they have increased the cod fishery has decreased on the shore?—A. These are the facts.

Q. The general impression is that the fish are prevented coming on the Banks?—A. Undoubtedly; you could not meet with three fishermen in Newfoundland who are not very clear on that point.

Q. North of Bay Conception, where the Americans have fished, what has been the fishing during the last two years?—A. There was good fishing last year in Bonavista Bay and on the north side of Trinity Bay, while south of that there was poor fishing. I only state these as facts; I don't assume to know the reasons.

Q. You are thoroughly conversant with the mode of carrying on the fishing as regards supplies and profits?—A. Yes; I had many years' experience of it.

Q. Will you state to the Commission the profits of a voyage?—A. I have prepared two statements, as follows:

*Outfit for two men in one punt.*

100 fathoms rope, 9-ply ratlin.....	\$5 00
12 lines, at 40 cents.....	4 80
2 nets, at \$20.....	40 00
4 dozen hooks, at 12 cents.....	48
Jiggers, gaffs, knives, cast and dip nets.....	5 00
	55 28
Punt will cost \$40, and last 6 years.....	6 66

*Provisions two men one month.*

½ cwt. bread.....	\$3 00
½ cwt. flour.....	2 80
50 pounds pork.....	5 00
8 pounds butter, at 30 cents.....	2 40
2 pounds tea, at 60 cents.....	1 20
2 gallons molasses.....	1 20
	15 60—12 months.....
Making 160 quintals fish, at 20 cents.....	\$187 20
Wages, one-third their catch.....	32 00
	266 66
A fair average catch will be 80 quintals per man—160 quintals, at \$5.....	547 80
	800 00

Net profits..... 252 20

Equal to 32½ per cent.

A boat with 4 hands, average catch, 400 quintals, at \$5.....	2,000 00
Outfit, provisions 5 months.....	156 00
Fishing-boat.....	\$400 00
Will last 15 years with repairs.....	100 00
Sails.....	100 00
Rope and material .....	140 00
	740 00

Say, per year .....	\$50 00
Punts .....	20 00
Caplin seine \$80, last 10 years .....	8 00
Nets .....	12 00
Lines, 4 dozen .....	19 20
Rods .....	10 00
Sundries .....	8 00
Making fish .....	80 00
	363 20
Wages, one-half their catch .....	1,000 00
	1,363 20
Fish .....	2,000 00
	636 80

Net profit equal to 32 per cent.

Q. These are statements to which you pledge your oath as being, in your opinion, correct?—A. I am certain they are correct. The estimate of the quantity of fish is an estimate; I am certain it is a correct one. The other points I swear positively to as being correct; that is, as to the cost.

Q. It is alleged that only small herring are used for bait; is that the case?—A. Certainly not. They could never stop to catch only small herrings. They take the herrings as they catch them. They take the same herring for bait as are used for commerce.

Q. Under the circumstances you have referred to, Newfoundland does not appear to be much benefited by the Washington Treaty?—A. It is most injurious to Newfoundland; perhaps I may be prejudiced. From the beginning I have always been of that opinion, that it would act injuriously, and I believe it has acted injuriously; and further, you would not find three men in the island—I only know of one, and he is a man who never changes his opinion—who do not believe it is disastrous to the country.

Q. It seems strange that the legislature should have been induced to pass the treaty; can you give any reasons for it?—A. There were several motives. One motive was that it was part of the imperial policy. Newfoundland is, generally speaking, a very obedient, humble servant of Her Majesty. Another reason was that, I think, the merchants inferred from the effects of the Reciprocity Treaty that their fisheries would not be injuriously affected by the fishery privileges granted under the Washington Treaty. They are located in Saint John's, and had not many means of communication with the inland districts, and they assumed that because the Americans did not visit the island for bait during the Reciprocity Treaty, therefore they would not visit the island during the term of the Washington Treaty. Another reason was, that they thought it would give them a market for their cod oil, and they certainly all anticipated that seal oil would be allowed in under the treaty. We are so ignorant in Newfoundland we could not discriminate between one fish and another so far as products went. We assumed that seal oil would be admitted into the United States as cod oil. These are generally the motives that induced the merchants to accept the treaty.

Q. As regards salmon—don't you obtain a quantity of salmon?—A. There is a quantity of salmon there, but there is rather a difficulty in shipping it to the United States, for although salmon is allowed in free of duty, the American Government has decided that the tins that cover the salmon should pay the duty.

Q. So then all anticipations as regards salmon have completely dis-

appeared!—A. They have all fallen through. The Newfoundland merchants assumed that if the duty were taken off codfish-oil they still would get the same price for the oil that it was selling at before the duty was removed; but to their astonishment they found so soon as the duty was taken off that cod-oil fell in price, and so it did not realize any more to them, and the United States was no market. The oil purchased on speculation in view of the treaty being passed had eventually to be sold to English merchants and was never sent to the United States, because the American market was lowered so soon as the duty came off.

Q. Was there nothing else in the mind of the legislature which passed the treaty?—A. I don't remember.

Q. Nothing in regard to compensation?—A. Yes; it is one of the most important items.

Q. They fully anticipated compensation?—A. I know they expected a reasonable compensation; it is all we have a right to look for.

TUESDAY, *August 14.*

The conference met.

The examination of Judge BENNETT was continued.

By Mr. Whiteway:

Question. You spoke of the deep-sea or bank fishery being conducted by Americans and others with trawls; what do you mean?—Answer. I meant bultows or deep-sea lines. It is the old English word used in ancient documents about three hundred years ago; “bulter” in English, but “bultow” is used in Newfoundland.

Q. Will you describe what is the mode of fishing?—A. The bultow-line is about 100 fathoms long and about the size of one's little finger, and as conducted by American fishermen they join a number of those lines together until they have sufficient to hold about 1,000 hooks at about one fathom apart. That is, a bultow line would be 6,000 feet long, each line.

Q. And those lines are buoyed?—A. No; they lie on the bottom, but there are buoys to indicate where they lie.

Q. Then one vessel fishing with an immense number of those lines covered a large area of ground?—A. Of course, so far as I am informed each dory requires two bultows, and there are usually, I think, about four or five dories to each American vessel. The large vessels may take six dories.

Q. And when you spoke of the bait being distributed from the banks or deep sea, did you mean that a large number of bultows cover an immense area of ground?—A. Undoubtedly. Three or four hundred vessels each with six or eight bultows of the size I have described would cover an immense area of ground.

Q. Thereby distributing a large quantity of bait and attracting fish to that locality?—A. Certainly; that would be the effect.

Q. Now, with regard to the western coast of the island over which the Americans prior to the Washington Treaty enjoyed the privilege of fishing, that is from Ramea Islands to Cape Ray and from thence to Quirpon, is that suitable as a basis for carrying on the bank or deep-sea fishing?—A. Only to a limited extent. The bait would not be found at all seasons of the year at that part of the coast. Only in a few localities or indentations is there sufficient depth to hold the herring or other bait. It could not be relied on as a basis for operations to any great extent.

Q. Then, again, it is far distant from the banks?—A. It is much far-

ther distant than Placentia and Avalon on the southeast part of the island from the banks; but of course very much nearer than is Gloucester in the United States. I may say in connection with that, I never knew or heard of Americans making that a basis of banking operations previous to the privileges conceded by the Washington Treaty.

Q. You say American bankers take 40 or 50 barrels of bait each time they come to the coast of Newfoundland?—A. Yes; that is about the usual quantity, I think.

Q. What is the usual number of bait trips that a banker makes in order to obtain a voyage of codfish?—A. Well, I think usually about two or three times they will require to bait; twice certainly, and for the last two or three years, or at least this summer, the fish are not as plenty on the banks, and I understand they have been obliged to come to the coast more often for bait before they made up the trip.

Q. When you spoke before of an American vessel requiring 100 barrels of baiting, starting from Gloucester or Salem, or an American port, to prosecute the bank fishery, did you mean that that would be all the bait that vessel would require for the season?—A. No; certainly not. I meant that they could not carry on their operations with any success at all without at least 100 barrels, but in order to conduct their operations as successfully and as fully as they do now, they require at least 200 barrels of fish, probably 250 barrels. I fully believe they are using much larger quantities of bait, now that they have an abundant supply which can be got at readily, than they formerly did when obliged to pay a very large price at home and bring it such an immense distance with them.

Q. No American vessels would think of starting on Bank-fishing without 100 barrels, and depend for the remainder upon what they could get on the Banks in the shape of squid and other bait?—A. Well, I doubt if they would ever take 100 barrels of salt bait when they left on the first trip, but I think they would require that much salt bait for three trips, in addition to what fresh bait they could secure on the Banks and elsewhere. They would require that in order to insure a fishery. In fact, until the last four or five years, squid were rather abundant on the banks, and the Americans were able to obtain during the months of August and September a considerable portion of bait on the Banks without leaving them.

Q. You say that heretofore squid were found on the banks; what is the case now as reported to you by American captains?—A. On the day previous to my leaving St. John's I was in conversation with a gentleman and an American captain, and he informed me there were very few squid on the Banks; they had taken a few and had found them such excellent bait there was a fish on every hook that had a squid on it, and finding he could not get sufficient of them he immediately hauled up and came to St. John's to procure a supply. But he told me at the same time that squid had not been plenty on the Banks for some four or five years.

Q. Taking an American vessel fitting out, say at Gloucester, for the Bank fishery, taking her first bait from there, and subsequently during the fishing season going either to an American port or a Dominion port for bait, as compared with a vessel fitting out at Gloucester and having the privilege of obtaining bait on the Newfoundland coast, what is your opinion as to the number of cod-fishing voyages the one would make as compared with the other?—A. Of course I can only give an approximate opinion. There is a very great difference between being obliged to go 70 or 80 miles for bait and going 1,000 miles for bait. That, of course

is a large item. I should think that the Americans might now well make four voyages where they formerly made two.

Q. Four cod-fishing voyages where they formerly made two?—A. I should think so; and it appears to me that with the line of steamers now running from St. John's they may have great facilities for transhipment there. They have not up to the present time used this line—it has only been established a short time—but as they are an enterprising people I imagine very little time will elapse before they will make use of the steamers to tranship their fish and save all the time required for vessels to go 1,000 miles and return 1,000 miles for the purpose of delivering their cargoes. I suppose that they may do so; they have done so, I understand, at other colonies with regard to portions of their cargoes.

Q. Well, in addition to the privilege of obtaining bait on the coast and also of transhipment, what facilities are there there for obtaining ice for the preservation of the bait?—A. There are quite a number of ice-houses on different parts of the coast. They find no difficulty in getting ice. They tell me they get it at \$4 or \$5 per ton.

Q. Now, what time would it take for a Banking vessel to leave the cod-fishing ground on the Banks, come into the shores of Newfoundland, and go back and commence operations again?—A. That would depend somewhat on the distance they were out fishing. If a vessel was fishing 150 miles out she would certainly, with a favorable wind, reach the Newfoundland coast within 24 hours, for they are a very superior class of vessels and sail well. In nine cases out of ten they need not be delayed more than one day to obtain bait, and they would proceed back in about the same time as was occupied coming in. Certainly within three days the whole operation may be performed.

Q. You have said nothing with regard to the halibut fishing; will you describe it, and to what extent it is prosecuted?—A. The halibut fishing on the Newfoundland coast is a very limited one, so far as I am aware. It is limited to the waters between Brunet Island in Fortune Bay and Pass Island in Hermitage Bay. It is conducted close inshore, and was a very prolific fishery for a number of years. Our local fishermen pursued it with hook and line. I think about eight years ago the Americans visited that place for the purpose of fishing, and they fished it very thoroughly. They fished early in the season, in the month of April, when halibut was in great demand in New York market. They carried them there fresh in ice, and I know they have pursued that fishery from that time to within the last three years. I believe they have about exhausted it now. They have completely monopolized the fishery, and I have myself seen six American fishing vessels within three miles of the land fishing for halibut on one occasion. That was, I think, four or five years ago.

Q. Are there any American vessels which fish inshore or within the three-mile limit for codfish as well as for halibut?—A. I am quite certain they have fished at Grand Bank, in Fortune Bay, and at the Keys, St. Mary's Bay. I have not seen them myself. I have been creditably informed, and I have every reason to believe, they were seen fishing in that locality.

Q. You spoke of the French fishery yesterday; do they use salt or fresh bait?—A. They use salt bait. They buy bait fresh from the Newfoundland people and salt it themselves on board of their vessels.

Q. Then there is this distinction between the Americans and the French, that the French buy their bait from the people, while the Americans catch it and buy it in the manner you have before described?—A.

Yes; the French never visit the Newfoundland coast. The Islands of Saint Pierre and Miquelon are their headquarters. The Newfoundland people carry the bait there fresh to sell it to them.

Q. You refer to the people of Newfoundland living in small settlements all along the coast and carrying on fishing in their immediate neighborhood; are these people dependent solely or almost solely upon the fishing for their support?—A. They are.

Q. They are essentially a fishing people?—A. They are essentially a fishing population, and they are settled on a narrow fringe of land on the seaboard; the interior is unsettled, and if there are any agricultural lands, and I believe there are excellent agricultural lands on some portions of the island, they have not yet been cleared and cultivated. The people depend solely on the fisheries.

Q. Deprive them of their fisheries, as at present situated, and you deprive them of their all?—A. Starvation, and nothing else but that for them.

Q. No money compensation could recompense them for such a loss as the loss of their fisheries?—A. I am not prepared to say that no money compensation could do so. I imagine that an amount equal to the debt of England would compensate them. I don't estimate the value; but undoubtedly men who are left without means of earning a living for themselves and their families can scarcely be compensated with any slight amount of money.

By Hon. Mr. Kellogg:

Q. How far are the hooks on the bultow suspended from the main line?—A. About half a fathom. With the French the length is nearly one fathom, and with the Americans between three and four feet.

By Sir Alexander Galt:

Q. The line is at the bottom?—A. The line and hooks both lie at the bottom.

Q. It is at the bottom where the fish are feeding?—A. The fish are feeding on crabs and small bait, and they pick up the herring as they come to it.

By Hon. Mr. Kellogg:

Q. Do they use squid bait on the trawls?—A. Yes, and find it very excellent bait.

Q. A whole one, or squid cut up?—A. Newfoundlanders use squid bait whole, but Americans economize the bait. They put out a far larger number of hooks than the Newfoundland people, and economize the bait by cutting it up.

Q. What bait do they use for halibut?—A. Herring.

By Mr. Dana:

Q. Will you have the kindness to mark on the map the portion of Newfoundland that the French have some fishing rights in?—A. All right round the north part of the island, from Cape John to Cape Ray. The French have fishing privileges there with Americans and English.

Q. The Americans had the right before the Washington Treaty went into operation to fish there?—A. From Ramea Islands to Cape Ray, and then northward to Quirpon, and thence on the Labrador coast as far north as they chose to go without interfering with the rights of the Hudson's Bay Company.

Q. Your people, I believe, fish for cod in boats, do they not, mainly?—A. Yes, in boats, but called by different names; distinct descriptions of names, punts, seining skiffs, &c.

Q. There was a time when the people of Newfoundland sent out vessels to the Banks to fish in deep water?—A. Yes; it was pursued to a certain extent, but not wholly relied on.

Q. There was a time when it was entirely conducted as a Bank fishery? What is the greatest number of vessels, owned and fitted out in Newfoundland, that went out to the Grand Banks at any time?—A. At an early time there were three or four hundred sail.

Q. That was how long ago?—A. About a hundred and twenty years ago.

Q. The population of Newfoundland then was nothing compared with what it is now?—A. It was contrary to law to settle the country. It was not until eighty years ago that permission was given to British subjects to settle on the coast of the island.

Q. They were all until then squatters?—A. I don't know what they called them; that is not a term used in Newfoundland.

Q. You know what it means?—A. Yes.

Q. Was that their status down to eighty years ago?—A. I don't speak positively as to the time, but until thereabouts I should think.

Q. The people planted there in defiance of the law, carried on a very large Bank fishery?—A. I did not say that. At that time the fishing fleet came from the west coast of England; Poole was the headquarters.

Q. What was the population of Newfoundland?—A. Not more than 20,000 in the early history of the colony.

Q. At what time, in its early history, had Newfoundland the largest number of vessels engaged in the cod fishery; you went back 120 years?—A. But I spoke then of the English people engaged in the cod fishery.

Q. What was the time when the people of Newfoundland had the largest number of Bank fishing vessels, owned and fitted out by themselves?—A. I am not prepared to say. I think about fifty years ago.

Q. About how many vessels in all?—A. I think the people of Newfoundland never had more than from 80 to 100 vessels in all.

Q. When did the Newfoundland Bankers begin to diminish?—A. I am not prepared to say, but I suspect that they diminished during the French and American war—about 1812. I have not looked into the matter carefully, but I think about that time.

Q. Was it a steady diminution, do you think?—A. I think a steady diminution after that.

Q. Down to the present time?—A. No; down to say thirty-five years ago, when it ceased.

Q. That would be about 1842?—A. Yes; about that time.

Q. What brought it down so that it ceased altogether; what was the cause of that?—A. Because the shore fishery was found more profitable; less expensive and equally productive.

Q. Was not one cause want of capital?—A. I don't think that has ever been a cause in Newfoundland. The merchants have an abundance of capital; so abundant is capital in Newfoundland now that large sums of money are lying uninvested. There is no scarcity of capital in Newfoundland, and it is probably the only part of North America where capital is really plentiful.

Q. What is the rate of interest?—A. 3 and  $3\frac{1}{2}$  per cent.

Q. You say there is plenty of money lying unused?—A. Lying unused. There is abundance of money.

Q. You don't think the want of capital ever caused the condition of the Newfoundland fleet?—A. I don't think so.

Q. To what do you attribute it, beyond the fact that they make more money by boat fishing?—A. I don't know of any other reason.

Q. Have they ever tried again; have they renewed in any degree fishing in ships?—A. They have in schooners of 50 or 60 tons within the last three or four years.

Q. What class of persons have done that?—A. Three or four merchants, I think, have tried the experiment.

Q. Merchants at what place?—A. At St. John's. I believe one is at St. Mary's.

Q. That is all?—A. That is all, and they have done so encouraged bounty given by the legislature.

Q. There is a bounty given by the legislature of Newfoundland?—A. Yes.

Q. What is that bounty?—A. It is not a large one; I forget just now what it is.

Q. Is it on the tonnage employed?—A. I think not. I think it was a gross sum voted by the legislature to be divided among the bankers. I would not like to speak positively on that.

Q. You think that has encouraged them to send out vessels?—A. It has encouraged them to try the experiment.

Q. How many vessels?—A. Six.

Q. Have you any return of the results?—A. I have not a return of the results, but I have heard that one vessel arrived a few days ago with about 500 quintals of fish.

Q. How is that as a result?—A. Very poor as compared with American vessels.

Q. How do you account for that difference?—A. The crew was smaller and the outfit smaller, and that was only one trip; perhaps the rest of the voyage may be a much larger catch.

Q. So with this exception—the little experiment with half a dozen vessels—your people who live entirely on the sea-coast and draw all their wealth from the sea, without that there is starvation, are employed in boat fishing, catching cod and bait?—A. And herring and salmon.

Q. I mean to include herring among bait?—A. Yes; but they catch herring for other purposes besides bait.

Q. Will you state to the Commissioners what the business in frozen herring is?—A. The business in frozen herring is, I think, about 20,000 or 25,000 barrels a year.

Q. What is the process?—A. The fishermen catch the herring and usually freeze them on the ice.

Q. In winter?—A. In the mouths of January and February. They raise scaffolds and on the ice.

Q. And then do they export them?—A. They sell them immediately. They only catch them after American vessels have arrived to purchase.

Q. They sell them immediately?—A. Immediately to American vessels.

Q. Do American fishing-vessels take ice on board in which to preserve the herring?—A. They freeze the herring hard, in which state they keep perfectly solid, and are sold in New York markets as fresh fish at a season when they cannot readily get other fish.

Q. That is a pretty large business?—A. It is a very good paying business for the American fishermen.

Q. How is it to your people?—A. I think it pays them, but only moderately.

Q. But they would not carry it on if it did not pay them?—A. They

have no other employment, or not much other employment, during the winter months in some localities.

Q. Now, as between man and man, is it not a pretty good thing for your people that when they have got no other employment and unemployed they may starve, to have this trade in frozen herring?—A. I think it is a good trade for them, but, as I said before, the man that only gets 5s. per barrel for his labor is not so handsomely paid as he who gets \$8 or \$10 per barrel for the same article; he not having done any work on it except to carry it to market.

Q. To whom do you refer?—A. I refer to the American fisherman who has prospered by the Newfoundland fisherman who has received only 5s. per barrel for his services.

Q. Does he not receive the market value of his services? They are not obliged to work for Americans if they do not choose to do so; they have no contract nor is there any servitude.—A. No.

Q. They get the market value for their labor!—A. Precisely.

Q. When an American owner sends his ship out to Newfoundland in winter and buys this frozen herring and takes it to market, it is not all income, but some outlay?—A. Certainly.

Q. A very large outlay?—A. Certainly.

Q. It may or may not be a profitable investment?—A. As a matter of fact it has been a profitable investment to Gloucester fishermen. And I may say, in this connection, that Newfoundland people consider this a matter of very great hardship. After the Reciprocity Treaty was abrogated American fishermen cleared out their vessels on fishing voyages, came to Newfoundland and bought those herrings, and were permitted by the American custom authorities to enter those herrings free of duty, as having been caught by themselves, the Newfoundland fishermen being thereby excluded from the American market for the sale of those fish, because there was a duty of \$1 per barrel, which the American fishermen avoided, but which Newfoundland fishermen had to pay.

Q. There is such a thing as getting excited over a supposed injury. Had Newfoundland fishermen really sent frozen herring in their own vessels to New York?—A. The fisherman had not, but some of those engaged in the trade had.

Q. Was it not an advantage to the Newfoundland people that there was a good market in the United States for frozen herring?—A. Not to the whole people, but to the few people engaged it undoubtedly was an advantage.

Q. There were as many people engaged as the business called for, and no more?—A. Yes; and no more.

Q. If the business fell off in the United States and there was not such a demand for frozen herring, to some extent they would lose their business?—A. Yes; but it was a very small business.

Q. How many barrels did you say?—A. I said about 25,000 barrels. I think if you will refer to the statement I handed in yesterday you will find for a number of years it did not exceed 15,000 barrels.

Q. When you spoke of a very small business I wanted to remind you of your own figures.—A. I had not forgotten them; but it is small comparatively.

Q. Do you suppose your own merchants would have paid them any more than the American merchants did?—A. I think not.

Q. So it was not an intentional injury?—A. No.

Q. It was a matter of trade?—A. It was a matter of trade in which there was very little competition and an ample supply.

Q. Is it not true also that not only American fishermen, but to a very

great extent American vessels, traders in frozen herring, come down and take them to market to sell, and are entered and licensed as traders?—A. I think it is probable. I am not aware that such is the case.

Q. You know there is a class of American vessels coming to Newfoundland which fill up with frozen herring and take them to the United States markets?—A. Yes; I believe such is the fact.

Q. Is not that a growing business?—A. No; it is not.

Q. Is it a diminishing business?—A. I think it is.

Q. How do you account for that?—A. Because one portion of those herring was required for baiting the fishermen, and the other portion was required for the Boston and New York fresh-fish market. The privilege of getting bait on the Newfoundland coast now no longer necessitates the carrying of bait from Newfoundland to Cape Ann to the same extent as was done a few years ago. So I think it is a diminishing business.

Q. Did you tell us that the Americans, irrespective of treaties, used to procure their bait on the island?—A. I did not say for years back. I did say they had before the Washington Treaty. They did so, for it came under my observation in 1872. In 1871 I am aware they did it to a limited extent; I think for a year or two before that to a very limited extent.

Q. Between 1866 and 1871?—A. I would not say that.

Q. Is it not true that there is a herring supply at other places besides Newfoundland, say at the Magdalen Islands?—A. There is a large herring fishing there in May; but I always understood that the herring went there to spawn and only remained a short time, and after spawning struck offshore. For years I have understood that to be the fact.

Q. How is it at Labrador?—A. There is no herring on the Labrador coast until about this time of the year.

Q. In August; how long do they remain there?—A. Until November, I think.

Q. Are they frozen there in November?—A. No; they salt all herring on the Labrador coast.

Q. They are taken as salt herring for bait?—A. They are taken as an article of commerce; I am not aware they are taken for bait.

Q. So the American market is not limited to Newfoundland for its herring as an article of commerce?—A. No; certainly not. I imagine the American fishermen catch a large quantity of herring on the Labrador coast, and that may be one reason why there is so small a demand for Newfoundland herring in the American market, because they supply themselves.

Q. Is it true that American fishermen catch herring on the Newfoundland coast?—A. I think so; I think they do.

Q. But they cannot afford to give the time?—A. They spend two or three months there every winter. Do you mean for commerce or for bait?

Q. I mean for bait. The American bankers when on the Newfoundland coast get away as quickly as they can, do they not?—A. Yes.

Q. You said that you thought, on an average, they would not be detained more than one day to get bait?—A. Yes.

Q. They are not, therefore, fishing for herring. I observed the manner in which the question was put by counsel—"any one who helped to haul a net."—A. I never saw Americans assisting the Newfoundland people to haul nets; I said seines. I wish to distinguish between them.

Q. They come in and make a contract with a boat-fisherman for bait?—A. Precisely.

Q. They want it as quickly as possible?—A. Yes.

Q. The Newfoundland fisherman has got the herring ready; he puts a seine across a little inlet and incloses a body of fish?—A. Yes.

Q. And he supplies the vessel as quickly as possible?—A. Certainly, that would be the result. That is an illegal mode; it is contrary to law, and Newfoundland men would not violate the law if not encouraged by American fishermen. Remember, it is illegal.

Q. It is also true that the person who permits himself to be tempted is also a little in fault?—A. I think so.

Q. Without going into the merits of it; tempted or not tempted, the Newfoundland does draw his seine across the inlet and incloses a large number of fish?—A. Not as a general rule. I wish to confine it to a very limited extent, because I cannot permit it to be assumed that I said yesterday it was a general thing. I said it was done in a few places far away from any magistrate or customs authorities, and the general rule was that they engaged a man—the owner of the seine—and with his intelligence and knowledge of the localities, and their labor, they were enabled to secure the bait.

Q. According to your opinion a large part of Newfoundland was beyond the reach of the magistrates?—A. Not all of it.

Q. And having a great part beyond the reach of magistrates and people who do yield to money, they do inclose the fish and have them ready to sell to Americans?—A. They do to a certain extent.

Q. When Americans come and wish to fish for bait, you spoke of some person who has a boat and seine?—A. I did not speak of his boat; I said his seine.

Q. And he goes to work; and it is his contract to furnish the bait?—A. Undoubtedly it is his contract.

Q. It is his business?—A. It is his business.

Q. And the American vessel helps him?—A. They could not get any without helping him, and the vessel gets the herring at a much lower rate in consequence; it is a joint affair in which they are both engaged.

Q. The Newfoundland is the man who contributes the seine?—A. He does that.

Q. What is the cost of the seine?—A. It would depend a great deal on its size.

Q. What is the cost of a seine such as he would use for that purpose?—A. Different sizes are used. In some places, where there is shoal water, a seine costing £20 would be sufficiently large, and at other places a seine costing from £80 to £100 would be sufficiently large; or from \$80 to \$400.

Q. That is the sum invested in the seine?—A. Yes.

Q. The people are so poor as to be on the verge of starvation?—A. You are now assuming I said that. I never said so.

Q. I understood you to say that they were in that condition; that if they lost their sea-fisheries there was nothing left but starvation?—A. I said if deprived of their fisheries; but I did not say that at present they were suffering starvation. If deprived of their means of living, as would be the case with all of us, they would be starved.

Q. If they had a single season in which the fishing was entirely unsuccessful what would be their condition; would they not need a great deal of help to keep them from the borders of starvation?—A. I should think so. It is a hypothetical case; I never knew such a case to occur.

Q. If a man owns a seine and an American comes along and wants

fish for bait as soon as possible, the man takes charge of the seine?—A.  
Yes.

Q. He takes charge and furnishes the seine and some men?—A. It may be so in some cases. In the case I spoke of yesterday, I said I never knew any one but the seine-master. I believe some men may be furnished in some cases.

Q. Then the crew of the vessel will take hold?—A. Yes.

Q. And, having their help, he charges less for his herring?—A. Certainly, they get the herring much cheaper by assisting to take them.

Q. He is paid by his contract?—A. I don't think he is paid any compensation at that season of the year for the services rendered—any adequate compensation.

Q. I did not ask whether he was underpaid; he is paid, whether underpaid or not?—A. Yes; paid something.

Q. You gave us some figures, yesterday, to which I wish to call your attention. You made a calculation about the profits of an American fishing-vessel?—A. I think not.

Q. You made a calculation of the cost of outfit of two men and a punt. You made that up by charging certain expenses for lines, nets, hooks, &c., at \$5; then you took the annual cost of the investment in the punt for one year, supposing it to last six years, at \$6.66; and provisions for two men for a month, and multiplying that by 12 for number of months in the year, making \$187; then you supposed the making of 160 quintals, supposing each man to catch 80 quintals at \$32, and wages at one-third of the catch. Do you think that is the average wages?—A. It is not thinking, it is a matter of common custom in the fisheries, I refer to. It is the actual common custom, the usual way of paying the fishermen.

Q. Not wages at all?—A. Not wages, but as sharemen.

Q. And that would be the average share?—A. Precisely.

Q. You suppose that each man catches 80 quintals, making 160 quintals, and you put them at \$5 per quintal, making \$800. Is \$5 the usual price?—A. I think it is a fair average price.

Q. Now, you deduct from the \$800 \$547, which leaves \$252.20, which you call equal to  $32\frac{1}{2}$  per cent.;  $32\frac{1}{2}$  per cent. on what?—A. Upon \$800, the catch of fish.

Q. That is the percentage of profit upon the catch of the fish, after deducting all expenses, not on the capital?—A. I put in the whole cost of catching the fish and put in the whole quantity of fish.

Q. You deduct the cost from the whole sales of the fish?—A. The whole investment for getting that quantity of fish.

Q. That leaves a net profit of  $32\frac{1}{2}$  per cent.?—A. It leaves a net profit of  $32\frac{1}{2}$  per cent.

Q. Have you any change to make in that?—A. No.

Q. Do you think they make  $32\frac{1}{2}$  per cent. per annum?—A. I think that is what supports the families of the fishermen throughout the island.

Q. But the fishermen have been taken off?—A. But there are the fishermen and the master-fishermen.

Q. You mean the owner?—A. The owners are fishermen themselves, but employ servants. The merchants do not carry on the fishing business at all.

Q. You mean to say it is nothing but net profit?—A. I put it as such. The whole calculation was complete within itself.

Q. You suppose that the gross sales being \$800, the net profit, deducting all you think should be deducted, is  $32\frac{1}{2}$  per cent.?—A. I think so.

Q. And you have deducted, among other things, the entire pay of the two men in the boat?—A. Precisely.

Q. Then what becomes of the 32½ per cent., to whom does it go?—A. To the owner, the owner of the boats and the owner of the nets, who will be a fisherman of the better class, with credit at the merchants, and who has to support his family out of the 32½ per cent.

Q. Do you not consider that the 32½ per cent. is a very large profit on the gross sales? You have the gross sale \$800, and you deduct, including the pay of the two men, only \$252.20, and leave the balance as profit for the owner of the boat and nets?—A. You are mistaken; the cost of catching the fish is \$547. The net profit is \$252; that would be what was to support his family—not a very large amount out of the service of two men. It is a very fair profit.

Q. The question of supporting his family is outside. Is not \$252.20 on the amount invested a very large return?—A. I think not; it is about the usual return. I think this statement, so far as my knowledge goes, is honestly made up, and includes every legitimate expenditure on that voyage.

Q. Do you include with it the making of so many quintals of fish?—A. That is the usual price paid for making fish.

Q. So that when you take the usual price for making fish that would be equivalent to allowing interest on outlay, such as buildings?—A. I thought that reasonable. What I meant certainly was to take what is usually paid as a fair estimate of what was right and proper.

Q. Do you suppose that these parties deal in the open market on equal terms?—A. Yes.

Q. Is that always the case with your fishermen?—A. As far as the fishermen are concerned.

Q. You think on an equality for making contracts with owners?—A. The planters are. The men who are put down as the fishermen are not on equal terms, but the men who fit them out are on about equal terms with the merchants. There is a distinction between the two men—one is a servant and the other a master.

Q. The men who are servants are not on equal terms?—A. They get their one-third share and are poor men, and, therefore, are probably in not such good credit as the better class of men.

Q. There everything depends on credit; the business is carried on on credit?—A. Yes; to a large extent.

Q. Next, you took a boat with four hands. You put the average catch at 400 quintals, which, at \$5 per quintal, gives \$2,000. Why did you put the catch at 400 quintals, when the catch of two men you put at 160 quintals?—A. Well, the boats I had in view move to some of the best fishing localities on the southern shore for a long distance, about Cape Saint Mary's, Capes Pine and Lawn, and Lameline Islands. I gave them a boat which would cost £70 or £80 or £100, instead of a boat costing £10, and thus afford them greater facilities for catching fish. I know that 400 quintals would be a fair average of the boats with a crew of four men.

Q. That is 100 each?—A. Yes.

Q. Instead of 80 quintals?—A. Yes. You will observe that they have punts as well as a vessel costing £100.

Q. You have allowed half the catch to the men. Why is that?—A. Because the men are only engaged during the four or five best fishing months in the year, and are only fed by the planter during that time; whereas the other men are fed during the bad fishing months, as well as the good ones, all the year round.

Q. Why is that different mode followed—that the large boat should be only employed during only a portion of the time, and the small boat during all the time?—A. The large boat is engaged in baiting the French in the spring and in the herring catch in winter, to a certain extent, and some of them are laid up after the voyage is over, and the fishermen then pursue the fishery according to the other practice at their own homes.

Q. The large boats are employed at bait-fishing when they are not cod-fishing?—A. In the spring, for a short time, two or three weeks, before they go cod-fishing.

Q. Are the herring caught by the man who owns the boat? Does he employ the labor?—A. They go shares, I think, then; they are sharemen.

Q. These boats having taken their herring they go to St. Pierre to land them?—A. Yes.

Q. St. Pierre is a free port, is it not?—A. It is nominally a free port.

Q. Is it not in fact so? Can anybody go there and buy without paying duties?—A. The duties, I think, are 2 per cent. on all goods brought in foreign bottoms. It is free to American bottoms—it is free to French bottoms, but to all foreign vessels 2 per cent. duty is charged.

Q. Are you sure that is so?—A. That is, not on bait, but on merchandise.

Q. What is there to prevent that becoming a sort of depot for bait?—A. It is a depot for bait for the French.

Q. Why should it not become so for Americans?—A. I saw a proclamation signed by the governor at St. Pierre, prohibiting the Americans from buying or getting bait there; it also forbade the English on pain of having their boats confiscated.

Q. When did you see it?—A. Five or six years ago.

Q. Is it in operation now?—A. I don't know.

Q. As a point of fact, whatever the proclamation was five or six years ago, is it not true that the Americans do buy bait freely at St. Pierre?—A. I don't know that they do; I have never known them do it. I have never been there for three years, and therefore cannot speak to it.

Q. You told us that you considered this treaty, which allows Americans to fish without reference to distance from your shores, as disastrous to the fishing prosperity of your island. I think you told us there were only three men on the island who did not believe so?—A. That was my opinion.

Q. Could you name these three men?—A. I certainly would object to do so; I would rather withdraw the statement, because it would be most unfair to them.

Q. You would rather not name the men?—A. Certainly not.

Q. Is any injury likely to flow to them?—A. No; but it would be unfair to introduce the name of any gentleman before the Commission.

Q. They have made their opinions publicly known?—A. One of them certainly has.

Q. He is a public man?—A. A public man.

Q. Perhaps he would not like to have that known; and the other two, have they made their opinions known among their neighbors?—A. They might have no objection to having their names mentioned here. I think it would be an unwarranted use of their names.

Q. I think you said they were merchants?—A. I don't remember saying they were so.

Q. Have you any objection to stating whether they are so?—A. One of them is a merchant, the other two are not merchants.

Q. Can you tell us how it arose that Newfoundland came into the treaty when there were but three persons out of the population who were not opposed to it?—A. I never said that at all.

Mr. Whiteway:

I think Judge Bennett stated that at the present time all considered the treaty disastrous except three persons, and went on to state, moreover, that one was a man who never changed his opinion upon any subject.

WITNESS. I did. I do not remember being asked as to the feeling at the time the Washington Treaty was accepted.

By Mr. Dana :

Q. There had been an election for the legislature between the time of the treaty being adopted and the Newfoundland coming in?—A. Not when it was first passed by the legislature of Newfoundland. But there was some addition or omission in the act which was objectionable and it was not adopted.

Q. You had an election in the mean time?—A. Yes.

[Mr. Dana read from the evidence given by witness on the preceding day as to the motives which led the Newfoundland legislature to accept the treaty, and continued his examination as follows:]

Q. Looking forward, they thought it would not act injuriously, reasoning from reciprocity?—A. Yes.

Q. But only one of those three was a merchant. Who were the merchants that thought so? You say you knew but three persons who were in favor of it—who believed it would act well—and one of those was a merchant?—A. If you will allow me to explain, perhaps I might make it a little plainer. Before the act was passed by the legislature there was a strong feeling among the fishermen, and indeed in the legislature, against the Washington Treaty, and the commercial body of Saint John's met to discuss whether it would be wise for Newfoundland to accept it. After a full discussion they took a vote on the question, and they did, by a very large majority, agree that it should be accepted by the legislature, and they sent a resolution in the shape of a petition to the legislature asking that it might be adopted. That was what I had in view, although I did not mention it, and that is why I spoke of the merchants being desirous of having the treaty.

Q. Then there was a large body of merchants who thought it would not be injurious?—A. At that time.

Q. That was before it was adopted?—A. Yes.

Q. How long ago was that?—A. Five years ago.

Q. Then five years ago there was a large majority of merchants who thought it would not act injuriously; well, how do you make that consistent with your statement; have they changed their minds?—A. I say that if the matter were tested before them you could not find three merchants in the island of Newfoundland that would agree to accept the Washington Treaty.

Q. You say the merchants "are located in St. John's, and had not many means of communication with the external districts, and they assumed that because the Americans did not visit the island during the Reciprocity Treaty, therefore they would not visit the island during the term of the Washington Treaty. Another reason was that they thought it would give them a market for their cod-oil, and they certainly anticipated that seal-oil would be allowed in under the treaty." And, further, you say, "We are so ignorant in Newfoundland we could not discrim-

inate between one fish and another as far as products went. We assumed that seal-oil would be admitted in the United States as cod-oil."—A. Those are not the exact words I made use of yesterday. I spoke of the different descriptions of oil—cod-oil and seal-oil—and when I spoke of our being ignorant of the terms I meant that we did not discriminate between the two classes of oil, and thought that both would be admitted duty free.

Q. As fish-oil?—A. Yes, that is what I meant.

Q. Were you in the legislature in 1871?—A. I was.

Q. What office had you?—A. I think I was speaker of the house.

Q. Now, here is a letter from Governor Hill to the Earl of Kimberley.

I read from the journals of the council of Newfoundland, Appendix, page 21. The letter is as follows:

GOVERNMENT HOUSE,  
Newfoundland, 4th July, 1871.

**MY LORD:** I have the honor to inform your lordship that on the 1st instant I sent a telegram to your lordship as follows, viz: "In reference to terms of Washington Treaty, it is understood that fish oil includes seal oil. Explanation will oblige this government"; and on the 3d instant received the following reply, viz: "I am of opinion that fish oil does not include seal oil."

I have, &c.,

STEPHEN J. HILL.

The right honorable the EARL OF KIMBERLY,  
&c., &c., &c.

Q. Now, the treaty was signed on the 1st of May. When was your final action on the treaty?—A. I think in 1873.

Q. Now, as early as July, 1871, your governor writes to Earl Kimberley, and receives a reply that, in his opinion, fish-oil does not include seal-oil?—A. Yes.

Q. And you knew of that correspondence?—A. I have known of it.

Q. Did you know of it at the time?—A. I think probably that when it was laid on the table of the house I knew of it, but that would not alter the fact that negotiations were going on between the Imperial Government and the Government at Washington for the admission of seal-oil, and that Sir Edward Thornton, the British ambassador, had communicated that he hoped and believed that seal-oil would be admitted duty free. And further, the premier of Newfoundland, in introducing the bill, announced that he had every reason to believe that seal-oil would be admitted duty free.

Q. Who said that?—A. The Hon. Charles Fox Bennett. He was premier at the time I am speaking of.

Q. Did he produce anything from the home government?—A. I don't remember whether he produced any dispatch, or whether he made it as an official announcement.

Q. Well, was there any recall of the Earl of Kimberley's statement of the interpretation of the treaty made by the British Government in July, and sent to the Newfoundland government officially, that fish-oil did not include seal-oil?—A. I am not aware of that, but I am aware that the British Government contended strongly with the United States Government that it did include seal-oil.

Q. That it did, or that they wished to have some arrangement by which seal-oil would be admitted duty free?—A. I don't know that it was contended on the mere terms of the treaty that it was included in those terms.

Q. The understanding, as stated by the Earl of Kimberley, was that it did not include seal-oil, and whatever was said by persons in the legislature to induce the house to vote for the measure, whether officially

or unofficially, I cannot tell about, but the home government places itself upon record as understanding that the treaty did not include seal-oil. You have no evidence of its ever receding from that position, as to the interpretation of the treaty, have you?—A. I don't know that we have any evidence of that fact except what I have stated.

Q. Do you remember anything of an offer made by Newfoundland before the adoption of the treaty, on the subject of letting seal-oil in free of duty, the Americans to participate in the seal-fishery?—A. I do not remember. I think there never was any offer of that kind from the Newfoundland government, but I think a commercial society engaged leading counsel to suggest some such matter as that. I think we have heard that it might be possible to arrange it in that way; that if the Government of the United States would let in seal-oil free of duty the Americans should be admitted to the privilege of our seal-fisheries.

Q. The seal fishing of Newfoundland only?—A. Of Newfoundland. I think that was the proposition, but not an official one, as I understood, at all. A learned counsel was at that time on a visit to New York, and the commercial society suggested the propriety of his ascertaining if the American Government would be willing to make an arrangement of that kind. I do not speak positively, but I think I have heard something of that kind.

Q. Here is a letter on page 21 of the same book from Governor Hill to the Earl of Kimberley, dated 17th of July, 1871, in which he writes as follows:

GOVERNMENT HOUSE,  
Newfoundland, 17th July, 1871.

MY LORD: As the legislation contemplated in the Treaty of Washington does not, in your lordship's opinion (received by telegram on the 3d instant), embrace the consideration of seal-oil, under the head of fish-oil, as an article to be admitted free of duty from the ports of the British North American possessions by the American Government with the ports of the United States, I have the honor to forward to your lordship herewith copy of a minute of council which invites the attention of Her Majesty's Government to the seal-fishery in relation to Newfoundland, alludes to the possible consequences which might ensue from the prosecution of this fishery hereafter as a right by citizens of the United States, and respectfully suggests the expediency of conceding to America the right of taking seals in the territorial waters of Newfoundland and of making outfit in the ports thereof, on condition that the United States Government admits the produce of the seals of this colony into their ports duty free.

2. Should your lordship consider the present moment a favorable opportunity to bring the points raised in the dispatch under the notice of the American authorities, the favorable consideration of the subjects in question by the Government of the United States would greatly facilitate the acceptance of the Treaty of Washington by the colonial legislature when that important statement is referred by my advisers to the assembly in February next.

I have, &c.,

STEPHEN J. HILL.

The right honorable the EARL OF KIMBERLEY,  
&c., &c., &c.

Q. Well, do you not know that that was a minute of council?—A. I do not remember ever seeing a minute of council. It had escaped my memory. Of course it is so as it is there. I do not dispute the point, but it had escaped my memory.

Q. I believe the fact that the American Government had construed the treaty so as to exclude your seal-oil was stated by you, and stated in such phraseology (I read it just now; you stated that you were so ignorant that you could not see the distinction which the Americans had set up) so as to leave the impression—you could not have intended it—that the American Government, after having got the treaty, put a construction upon it that nobody ought to have anticipated. Now, having read you this statement, this telegram to Earl Kimberley and

the reply, and the letter of Mr. Hill, who was then governor, reciting Lord Kimberley's opinion, and making the proposal that I have read on the subject of the admission of seal-oil into the American Union, would you have made the same statement that you made yesterday in the same language?—A. Well, of course, I do not for a moment mean to impute that the American Government have put any wrong construction on the treaty, or on that portion of the treaty; but what I do say is that the feeling is general in Newfoundland that a constrained construction has been put upon the treaty. I must say that honestly. That is the feeling in Newfoundland, notwithstanding the opinion of Earl Kimberley and the action of the American Government—that a constrained construction was put upon that treaty.

Q. By both parties?—A. By both parties—that the interests of Newfoundland were sacrificed because they were trifling.

Q. Now, all this occurred before you voted on it?—A. I was speaker; I never voted on it.

Q. I do not mean you individually, but the people of Newfoundland. They had knowledge of this correspondence; they knew of the construction the British Government and the American Government put upon the treaty, and they knew what terms had been proposed and what minutes of council had been made in the matter. And, as you say, the treaty had received a construction from both parties to it that you thought to be wrong and injurious to Newfoundland, and that their interests were sacrificed; yet, after all that, the legislature of Newfoundland accepted it all?—A. Yes; they did.

Q. Have you any explanation? Haven't you a little overstated the case? Is it not more likely that you stated, of course with the intention of stating everything as frankly and truly as any gentleman could—but is it not rather more likely that your views are a little extreme than that under such circumstances the legislature should have adopted the treaty?—A. I am still of the same opinion, notwithstanding these facts.

Q. You were not one of the three gentlemen referred to! You said that there were three that believed it to be wrong.—A. I said that there were three that believed it to be right.

Q. You stated that another evil that came from the American participation in your fisheries was that it had a demoralizing effect—the Americans coming there for bait; that is, coming there to buy bait and sometimes helping to execute their own contract. One of the learned counsel suggested the word seduced, and I understand you to hold that the fishermen of your country were seduced and demoralized in this form of seduction and demoralization, namely, that the American fishermen offered \$20 in cash to the natives to work for them, and that they were seduced and demoralized to such an extent that they actually took the cash and caught the herring.

(Mr. Whiteway objects.)

Q. You consider that it was their duty to be catching the codfish for themselves or the merchants who employed them. Now, don't you think that the natives of Newfoundland, although you have spoken of them as ignorant—I do not know how that is myself—don't you think the natives understand their own interests, so far at least as to know whether they had better fish for \$20 for the Americans or fish for the merchants at some other rate?—A. Well, my impression is that they would be honestly engaged in working for the merchants who provided for their families, and that in fishing for the Americans they were dishonestly working for them, seeing that the merchants had already paid

them for their labor. I think if a man's servants are enticed away after he has already paid them their wages beforehand it is demoralizing.

Q. I did not understand you to say it was because they had received the money beforehand to do certain work that you objected to their bait-fishing for the Americans.—A. They receive their outfit; they could not carry on their fishing without that. They require bread and supplies that they use. Nine-tenths of them take that outfit on credit, and then, if instead of catching codfish, which is the only description of fish that the merchant can make available to pay himself, they catch bait for the Americans, I think they are demoralized.

Q. Then the demoralization (and I should agree with you) consists in the fact of their having received money for the labor to be performed and then———A. Not money.

Q. Well, credit—that having got credit with the understanding that they will work it out, they throw it up.—A. During the time that they are working for the Americans. If they work a day for the Americans, and earn £5 catching bait for him, they are earning nothing for the merchant.

Q. Well, as a general thing, do you think the merchants have suffered largely from breaches of contract of that sort?—A. I think they have.

Q. Do you think they have some feeling about it?—A. I think they feel very strongly.

Q. And they throw the blame upon the Americans?—A. Yes.

Q. Not on their own people?

Mr. DANA. As objection was taken to a question I was putting to the witness, I will read from the evidence taken yesterday upon this subject. The following is the question put and answer of the witness, as given in the official report:

Q. The Americans purchasing the bait from the seller puts so much money into his pocket, and so far as a matter of trade is an advantage to an individual; but what is the effect upon a small community of one or two individuals supplying American vessels with bait?—A. My own impression is, that supplying American vessels with bait is one of the most demoralizing things for our fishermen. I think they are acting as mere jackals for the lion. It is most injurious to the local fishermen in more ways than one. The system of trade in Newfoundland is principally on the credit system, and a very expensive one it is; and most of the fishermen are indebted to the merchants, and they are ready enough to take \$20 from an American fisherman when they ought to be catching cod for the merchants who are supplying their families with goods. I therefore think it is a demoralizing trade.

Q. Would the fisherman's time not be much more beneficially and advantageously employed if, instead of getting \$20 for supplying Americans with bait, he applied himself to catching codfish with that bait?—A. Decidedly. To illustrate: Two days before I left St. John's a man belonging to Bay Bulls, 18 miles from St. John's, was in the office of the Hon. Ambrose Shea, and informed me that two days previous ten American vessels were in that bay and engaged a number of local fishermen to catch bait for them, for which they obtained about 9d per 100, for squid. During the same day a fisherman went out and caught ten quintals, worth \$5 per quintal. So any person can estimate what the value of bait-fishing is. This, I am certain, is the fact.

WITNESS. That is misreported. I did not say "a fisherman." All the fishermen in the harbor.

Mr. DANA. I have it here on my manuscript.

WITNESS. I did not say so; or, if I did, I did not mean it.

Mr. DANA. I suppose not; but when the reporter and myself agree in taking it down in the same way, I do not think you should be sure you did not say it. It is not probable that a great many or that "all the fishermen in the harbor" got five quintals.

Q. Your own position is that of an employer?—A. No; I am not engaged in trade at all.

Q. Have you been?—A. I was for a number of years.

Q. Up to what time?—A. Up to 1873, since 1854.

Q. I did not know but that you had invested capital in it?—A. No; I am not in trade.

Q. You were an employer for nineteen years?—A. Yes.

Q. And you think the feeling of the employer class is that these men had better be fishing for them than catching herring for the Americans at such rates as they do? You think there is a general and strong feeling among them?—A. I think so.

Q. The fishermen there are indebted to the merchants, are they not?—A. Well, they require a large outfit in the spring of the year in order to pursue the fisheries.

Q. Well, whatever the cause is, they are largely indebted to the merchants?—A. I do not know that I could say that.

Q. Is the business not conducted on the credit system?—A. It is a credit system for a limited time, but if the voyage is prosperous every man will, by the 31st of October, have paid his debt and be in credit.

Q. I did not ask whether he paid or not. But does not that relation of debtor and creditor exist between the fisherman and the merchant?—A. Yes; but if he is successful he may wipe it out by October.

Q. And if he is not successful he does not wipe it out. Well, is it not the case that they are to a large extent indebted to the merchants, not only between May and October, but afterwards? Is it not the case that they get credit and are not always able to meet it, and that they are to a very considerable extent in the power of those merchants to whom they are indebted? I know your natural feeling may be— —A. O, no; I have no such feeling. You quite mistake. No doubt there is a considerable amount of bad debts in Newfoundland, but that it materially places the fisherman in the power of the merchant I think is a mistake. It is not the custom of the merchant ever to exert that power of collecting old debts unless the voyage is sufficiently prosperous to enable him to do so. They do not use the process of the law.

Q. I did not ask whether they used the process of law; but does not the fisherman feel that he is indebted?—A. It does not hurt his feelings much.

Q. Does it hurt the feelings of the merchant?—A. I don't think. They usually put on a margin of profit to cover the debts.

Q. So they get some pay in advance? Then the price they ask would be more than the price a person would ask who was entirely independent or had security?—A. It is so the world over.

Q. Now, is it not a great advantage to a fisherman in a small town that there should be two rival mercantile houses, so that if he thinks Mr. A charges him too much for what he wants he can go to Mr. B?—A. I don't think it makes much difference.

Q. Don't you think it is bad to have a monopoly of that sort?—A. Yes, perhaps, if the monopoly is too great it would be bad; but if the competition is so great that one is inducing the other's employés to leave him it is injurious.

Q. But it is not necessary to suppose a case where both the rival houses behave dishonestly, and the man too. I am supposing that all behave honestly. Each merchant must make all the profit he can, and must hold out such inducements as are proper. The fisherman does not want to cheat anybody, but only to pay a reasonable price, and no more than that.—A. I do not see that it would be an advantage to the fisherman, for the reason that the prices are generally fixed for the whole season, and every merchant charges about the same price.

Q. So that if there are two houses in the same place, rivals, they

would charge the same price!—A. They would not compete by underselling. Their only competition would be in securing the best and most reliable men.

Q. Do you think that that principle or practice which prevails pretty largely elsewhere, of trying to undersell, does not apply to Newfoundland?—A. Not to any great extent. Neither does it in the purchase of the produce. For they all meet and decide what they will give. They fix the price.

Q. Then the merchants, as a body, act upon the fisherman, do they?—A. They decide what prices will be given.

Q. They determine what it shall be?—A. Yes.

Q. They expect all the merchants to come up to that?—A. Well, they generally do.

Q. Then the fishermen are in the power of a combination of merchants who agree beforehand as to the prices?—A. Well, it might result so, but I think the merchants are as fair and honorable as anywhere.

Q. But taking the merchants generally, you think that business is peculiar in Newfoundland?—A. Well, I mean to say, it does not result there as you have stated.

Q. Haven't you known cases where there have been two houses, and the fisherman, although he did not mean to cheat anybody, but simply to get his supplies as cheaply as he could, has regretted exceedingly that one had to withdraw?—A. Yes, but it would be because the house that was left would not have sufficient capital or would not be in a position to supply all the people and have all the requirements there at the proper time. I think it would arise from that more than any other reason.

Q. You are quite sure it could not be that the fisherman might think that there had been an advantage to him in the competition?—A. Probably they may think so.

Q. But if so they would be in error?—A. I would not say the competition has no effect whatever.

Q. What do you think is the difference generally between cash and credit? Suppose a man goes in April with \$25 that he has been seduced into earning and pays it in cash for what he wants, what difference is there between the price he pays and the price paid by a man who goes and asks for credit?—A. That would depend a great deal on the part of the country where the person lives. If he were in St. John's I have no doubt there would be a difference of probably 10 per cent. If he were in the outside districts I doubt if there would be any difference. I never knew any difference between cash and fish.

Q. I mean to include that, cash or fish. He may bring either so long as it is a payment and leaves no debt behind. Now what is the difference between a payment, either in cash or goods, and credit?—A. Well, I think there is a difference, but I assume that throughout the whole country a difference of ten per cent. would be fair.

Q. Would that be the average?—A. Yes; I think so.

Q. What is it generally in Saint John's?—A. Well, I think there is more difference made in Saint John's. There is a competition of shopkeepers in Saint John's.

Q. Why, is it possible! What is it (the average difference), do you think?—A. It is rather hard to make up an estimate of the whole trade of the country.

Q. You did not find any difficulty in making up an estimate for the whole island; why can you not make up an estimate for Saint John's?—A. I should think fifteen per cent.

Q. More than that!—A. I would not think.

Q. Would you be surprised to find it 20 or 25 per cent.?—A. It might be on a particular article, but I should be very much surprised to find it more than 15 per cent. in general trade.

Q. Take his necessaries, which he must buy in the autumn for the winter, what is the difference between credit and cash or its equivalent barter, whatever it may be, so long as there is no credit given?—A. I think three-fourths of the supplies in the autumn are paid for.

Q. Well, what is the difference between the price charged for these and for the remaining one-fourth which are not paid for?—A. I was proceeding to say; I think three-fourths are paid for, and probably 25 per cent. would be charged in addition for the other one-fourth.

Q. Well, then, when you assumed before that there could not possibly be 20 or 25 per cent. difference you was referring to the question first put?—A. Yes, precisely; I was referring to the spring outfit.

Q. Then you make 15 per cent. for half the year and 25 per cent. for the other half, averaging 20 per cent. for the year?—A. With this difference, that the large majority require credit for the outfit in the spring, whereas I stated that three-fourths were able to pay in the autumn.

Q. But taking those who do obtain credit, there is still an average of 20 per cent.?—A. No; it would not make an average of 20 per cent.

Q. How did you get the average for the whole island then?—A. For the spring of the year? I know the difference in the outside districts between credit and cash is very little. In St. John's there is a greater difference made. And the reason of that may be that there are many shopkeepers there not engaged in the supplying business to the country.

Q. Still I do not know why you are able to give instantly without a moment's hesitation, an average for the whole island and yet not able to give one for St. John's.—A. I did give one for St. John's surely. I said there would be 15 per cent. difference in the spring and 25 per cent. in the autumn.

Q. That would be an average of twenty per cent., would it not?—A. I drew this distinction, that in the spring a good many would require credit, but in the autumn very few.

Q. But taking those who would require credit both times it would give you an average?—A. No; you must have the same number of men to make an average. You must have the same number of men and the same proportion.

Q. I admit that it is true that there should be the same amount of sales. You mean to say that the amount sold in the autumn is less than in the spring?—A. Both the amount and the number of people requiring it.

Q. You told us yesterday that the Americans used to throw overboard all the cod on the banks that were not over—what size did you say?—A. 22 inches, I think.

Q. Latterly they have found a market for this cod in Newfoundland?—A. Yes.

Q. To any considerable extent?—A. I think so, to a very considerable extent.

Q. Is that trade solely for the benefit of the Americans?—A. I should think the Americans benefit very largely by it.

Q. We are willing to believe that, but can you not admit that the Newfoundland men may benefit a little too?—A. The Newfoundland merchant will certainly benefit by it, if he sells at a profit.

Q. Well, the American won't benefit unless he makes a profit?—A. Well, he will, because otherwise he would be obliged to throw it away.

Q. The Newfoundland merchant is not bound to buy unless he can get a profit?—A. Well, it is problematic with him.

Q. Well, if for the sake of selling that fish to the Newfoundland merchant the American saves it and brings it into port, there is the time that is taken up and some expense. The interest would also have to be included if you were making up an accurate account. He has to sell it so as to leave him a margin, and the British merchant has to buy in such a way as to leave him a profit. It is a matter of calculation on both sides, is it not?—A. It is on the side of the British merchant that he may get a price that will pay him and leave him a profit, but it is no matter of calculation with the American, for he was obliged otherwise to throw the fish away absolutely.

Q. But I have shown that there are expenses?—A. The expenses are nothing additional. I assumed yesterday that the oil would be sufficient to pay those expenses.

Q. That is, the merchant buys the oil, does he?—A. I think they sell a little, but the larger proportion is taken to the United States, I think.

Q. Do you think there is any difference in the law of supply and demand, and the desire of each party to a contract to make it profitable, which govern Newfoundland, and those which are operative in other parts of the world?—A. I think, in this instance, if the duty of \$1.30 a quintal were not removed, the Americans could not sell them in the Newfoundland market; and if they could not sell them, their experience shows that they have no market in the United States, and they would be obliged to cast the fish overboard.

Q. Well, then, in your account, you include the duty, which you put at \$90,000, don't you, on the whole amount sent sent in?—A. \$78,000, I think, the amount was. \$90,000 would be the value of the fish—from that to \$120,000.

Q. You assume that \$90,000 worth was sold or from that to \$120,000. Well, put it at \$100,000. Then you say the duties were \$78,000. Do you consider that the American gains them both?—A. I think in nine cases out of ten the American gains because it gives him a market that he could not otherwise have.

Q. But does not this rule which all the witnesses agree in establishing, that the consumer pays the duty, apply in Newfoundland?—A. No, because the Newfoundland people do not purchase the codfish for home consumption. They sell it.

Q. But we do not call the consumer the man that eats a thing?—A. I call the man that eats it the consumer and nobody else.

Q. Suppose it is not fish. Suppose it is a coat?—A. Well, the man that wears a coat is the consumer. He is certainly the man that pays the duty, if he pays for the coat.

Q. Does or does not the rule that has been referred to apply to this fish that is brought into the market by the Americans to be sold, or whatever is done with it, I do not know?—A. The duty had the effect of keeping the foreign fish out of the island.

Q. Well, the Americans used not to pay the duty then?—A. No, they threw the fish overboard.

Q. Well, do you mean to charge them with the duty although formerly they threw the fish overboard?—A. I mean that they saved that \$78,000.

Q. Suppose the profits on the sales—  
WITNESS. It is all profits.

Q. Your view then is that the Americans are to be charged with the whole \$100,000, the gross result of the sales, because it is all profits, and then to be charged with the duties besides!—A. No, I do not say that. Nor do I say that the Newfoundland people should be charged with the duties formerly payable in the American market. I put the one against the other as about equalizing one another.

Q. But you say you don't send to the United States much!—A. We don't to as large an extent as they do to us.

Q. Then you would not get your balance!—A. That is for the Commissioners to decide.

Q. But they are looking to you largely for information. You have a large experience in these matters, and have held a public office in the island. When an American goes into a port of Newfoundland, Saint John's, or your own port, where there is a custom-house, are not these fish entered there?—A. They are not, and I may say that in a conversation with the honorable attorney-general, the premier of the island, a few days before I left, he told me he had made inquiry, and that not one American vessel had entered at the customs, and that he had given an order that they should do so; that it was not to be assumed that because they had the privilege of bringing in their fish duty-free, they were not bound to enter it at the custom-house. But as a matter of fact they had not done so, and the customs-officers had not required it.

Q. They are to be entered now!—A. I presume they will be. It is to be required of them. It ought to be, for the purposes of statistics, if nothing else.

Q. How is it with reference to other things they bring? Do they not have other things on board?—A. I think they come and enter when they are on trading voyages.

Q. Don't they do it regularly and have a manifest?—A. I think so; that is, when they are on a trading voyage. But there is a great difference made by United States authorities themselves between a trading and a fishing voyage.

Q. If they are trading, and bring anything they have to sell, or deliver over on consignment, there is a manifest of it, and it is entered in the customs!—A. It is supposed to be. I would not like to vouch that it is always so.

Q. Now you say, without, of course, undertaking to sum up exactly, what ought to be paid by Americans as a rule with reference to these small fish. You have given us the gross total of sales of these fish, and argued that being a pure gain, this is something that the American should pay for in justice. Is that what you hold?—A. I think they receive a great benefit, and that there should be some compensation for that.

Q. Well, a fair compensation would be the gross sales, would it not, if it is all clear gain?—A. That Newfoundland should get the whole! That would be most unfair.

Q. I do not mean to speak of the subdivision, but of what the Americans should pay. Should it not be the gross value?

Mr. WHITEWAY. Is not that for the Commission?

Q. I am not asking what the result would be, but merely as to the criterion by which the amount should be estimated. My purpose in asking would be to know exactly how much value is to be attached to your judgment on certain points. On this point your judgment is that it would be fair for the Americans to pay for the right substantially the amount of the gross receipts from the small fish?—A. I think it would be right for the gross amount to be estimated as part of the benefits

received by the Americans, and on that basis that the compensation should be fixed; that is, on the basis of the value of the benefits received by the Americans.

Q. And that you say is all clear gain?—A. Well, I would not say it is all clear gain, because there must be a trifling sum allowed for labor. There is no additional time, except for landing the fish, but this would be trifling.

Q. Otherwise it would be the whole value of the fish? Now, would you think that, in addition—that the duties they don't pay should be added?—A. I think the duties should be placed as a set-off to the duties remitted by the United States.

Q. But the United States are not making any demand. I wish to know whether you said that on account of this change from throwing over these fish to selling them in your market free of duty, that the value of the fish and the amount of the duties that would be paid on them, if payable, should be the amount of the compensation?—A. The duties, I think, should meet that point in the American case which claims that they have given us the privilege of sending merchandise in there free of duty. I think when the United States say that this concession is a fair compensation for the use of our fisheries, they are fairly met by the argument that they have the right of sending fish into Newfoundland and benefit by a remission of duty which would amount to \$78,000, which enables them to sell \$120,000 worth of fish that they would otherwise have to throw away. I do not know how I would make it any plainer than that.

Q. I hoped you might be able to make a different statement. I see that is the only one we are likely to receive. Now, you consider it certain that but for the Treaty of Washington, the Americans would not have sent into Newfoundland any of those fish?—A. Yes; quite certain.

Q. And your view is that the treaty requires the United States to pay for the facilities of trading in Newfoundland?—A. I think not; but that the facilities of trade which are set up on the part of the United States as an equivalent for the fishing privileges may be fairly met by this trade privilege.

Q. In the case of this small fish, you take the gross total?—A. Yes.

Q. It is only by the remission of the duty that they get them in?—A. Yes.

Q. Still you think that one should be balanced against another. Don't you think that would put a stop to that mode of trade, if they were bound to pay for the whole twelve years?—A. No; the American Government would have to pay for it. It is not the American fishermen.

Q. Do the Americans buy codfish in Newfoundland?—A. To a very small extent.

Q. Well, you have in Newfoundland command of the markets of the Mediterranean, Portugal, Brazil. Do you send to the West Indies, or is it from Halifax that the fish are sent there?—A. We send there inferior grades of fish.

Q. You make more money by these markets than you could get by sending to the United States?—A. Yes, I think so.

Q. Is not that reason enough for your not sending to the United States?—A. Yes, I think so.

Q. Well, if the American demand on your fishery from every quarter increased, is it not a benefit to your people, whether for bait or for consumption; is not that a benefit?—A. It would be, but as a matter of fact it has not increased, but decreased. Undoubtedly it would be a

benefit, as the greater the consumption the greater the benefit to the producer.

Q. Your people catch codfish, don't they, by seines?—A. Seines, nets, bultows, hook and line.

Q. Your own people catch in these ways?—A. All these, yes.

Q. Do you consider that your own people are injuring your own fisheries?—A. My own individual opinion is that they are not injuring them. But I know many fishermen consider that the large seines are injurious to certain localities.

Q. On what is your opinion founded that they do not injure them?—A. Perhaps it may be theory more than anything else. I formed my opinion first of all on a report of a British Fishery Commission, composed of very eminent gentlemen who took evidence throughout the whole coast of England, Ireland, and Scotland. After taking voluminous evidence, they reported very carefully on the question, and they decided that the fisheries around the British Islands were increasing, and were not apparently injured by all the different modes in which they were taken on those coasts. I must say that after reading that evidence I became rather more liberal in my opinions, and I have not been prejudiced by any narrow views since.

Q. Then you do not think it necessary to interfere to protect the fishery?—A. I think not. My opinion is decidedly against interfering, except to keep good order, and for the purpose of protecting the bait. I think it should be left as free as the means of the fishermen are to enable them to catch.

Q. Now, with reference to the banks, there are numerous banks before you come to the Great Banks?—A. Yes.

Q. You have told us how many miles from Cape Race you touched the northwestern extremity of the Grand Bank. It was thirty-five miles, I think?—A. Yes; that extends a long distance.

Q. How many miles?—A. It covers on the map nearly three degrees.

Q. Now, on that vast extent of ocean, with various depths and subject to all sorts of influences unknown to science, which may call the fish at one time and send them away at another, may make them plenty at times and scarce at other times, reasons which we cannot understand, do you think that the fishing going on on the Great Banks does directly diminish the codfish that come to your coast?—A. I think that the immense quantity of fresh bait laid on the banks tends to keep the fish there. I tell you why I think so: Some years ago, say ten years ago, the Americans were not prosecuting the fishing so fully as they now do. I know that the French were in the habit of purchasing bait at a very low price, and they had signals whereby they informed one another when the fish were rising after the floating bait, and they made it a rule to throw overboard certain quantities of bait to carry them to bottom again. I have been told that they succeeded in doing so. I assume that if the French kept the fish there with salt bait, that the Americans, who are more ingenious and use fresh bait, would likely have a greater effect.

Q. Do you mean that throwing over the bait sends the fish to bottom?—A. Yes, I think there is no doubt about that. They will follow the bait down.

Q. Don't they intercept it?—A. They would intercept some, but they follow the rest to the bottom.

Q. Do you mean that the fishermen throw it overboard for that purpose?—A. Yes; they fish from the bottom; they have trawls set, and

they see the fish rising for the bait to the top, and that is then thrown over and takes the fish down ; they believe it has that effect.

Q. Was not the bait thrown overboard supposed to enable them to catch with the hook ?—A. No, there was none thrown overboard except what was on the hook. You are thinking of mackerel fishing, when they grind the menhaden and throw it over to induce the mackerel to come around.

Q. Then you mean to say that the bait used for mackerel does not sink ?—A. I do not know anything about the mackerel fishery, but I understand that they grind the bait up and throw it overboard in a very fine fat state that attracts the mackerel around the vessels. Then they don't use any bait on the hooks, but have some colored substance and catch them without bait ; but I don't pretend to speak of that subject.

Q. Do they still catch codfish with the line ?—A. Inshore they do ; but not on the banks.

Q. They do it entirely by sending bait to the bottom ?—A. They catch them with bultows.

Q. Then they throw overboard bait ?—A. They throw none over but what they throw ou each fathom of line.

Q. Then when you speak of throwing over bait you mean the bait fastened to the hooks ?—A. I do not know that I should speak of that as throwing it over.

Q. You refer to the French and Americans throwing it over ?—A. I did not say the Americans ; I said the French.

Q. Do you think you can trace to the French doing that, a diminution in the cod of your island ?—A. I think the cod does not strike in as freely now as it did a few years ago.

Q. Does not a great quantity of cod come from the northward ?—A. The fish go north.

Q. Codfish ?—A. Yes ; mainly.

Q. But does it not come southward for spawning ?—A. No. I think it must be the same fish which is found on the coast of Norway. I don't mean that it goes due north. They are almost always found traveling northerly. You will find, from week to week, that they have got a little farther north from point to point. It is, of course, speculation, but as far as I know I think it is a fact.

Q. Has there been a marked diminution in the cod off your banks ?—A. There has been in the last two years, in some parts of the country, I mean to say.

Q. I understand you to say that the fisheries are failing ?—A. Except in the northern part, where there have been no American fishermen. The Americans don't generally come within a very close distance of our shores.

Q. You have mentioned one case. Is it very rare ?—A. Yes ; very rare ; at least I think so.

Q. And so far as the diminution has been owing to causes within your knowledge, seeing that you do not think the seine-fishing hurts them, the only reason is the one which you have given, founded on the French trawl-fishing on the banks ?—A. Yes ; I think, from that fact, that probably the laying of so much bait on the banks may have the effect of keeping the fish there instead of allowing them to strike inshore.

By Mr. Whiteway :

Q. Do I understand you to say that the only cause of the injuries sustained by our fishermen from the Americans fishing upon our coast is

the distribution of bait upon the banks?—A. I did not say that; I was merely speaking of the effect of that upon the bank-fishery on our own coast. I was not speaking, for instance, with reference to taking the men away for bait and depriving our merchants of their services. I was speaking entirely of the bank fishery.

Q. Supposing two or three American vessels had baited in a cove and driven the caplin off, what would be the effect on the codfish?—A. I think, in some instances, where the caplin were hauled out of the coves, the codfish would strike off. I would not say they would leave altogether.

Q. Then, supposing the fish were driven off the shore, the cod-seines would not be able to fish with as great success as in the coves?—A. The cod-seine would not be able to work with as great facility as it would while the fish remained quietly in the cove. Some of the ledges near the land, but not exactly on the land, are fished by cod-seines to a certain extent; but they cannot fish with as great facility as they can on the shore. If the fish are driven off the shore to these shoals they might get some, but not nearly as much as while they are quietly in the coves.

Q. Well, is not the locality where the cod-seine is used the same as where the caplin are taken?—A. Yes.

Q. If the codfish have been disturbed much, the seine is not used?—A. No.

Q. Then the effect of disturbing the fish while in the coves would be to prevent the cod-seines to be used to advantage; and this would be the effect upon a considerable extent of the coast?—A. Yes.

Q. When you spoke of the cod-seines just now, and if the use of them are not, in your opinion, injuring the fishery, you referred entirely to the cod-fishery, not the mackerel?—A. Certainly not to the mackerel.

Q. You spoke of a large quantity of codfish that were heretofore thrown away, but which are now sold in Newfoundland. You did not mean to say that the Americans should pay us the full value of that fish?—A. I never said so. I studiously avoided saying anything of the kind.

Q. It was pressed upon you?—A. It was.

Q. But you simply stated it was a very great advantage and source of wealth to the Americans that now they can sell what heretofore was thrown away?—A. Precisely.

Q. You spoke of American vessels heretofore not entering at our custom-houses?—A. Such is the effect.

Q. Are you aware as to whether they have paid light-dues or not upon the coast up to the present time?—A. As a general rule I am told by the officials that they have not; not more than one-third, and this year not one-fourth.

Q. They go into places where there is no custom-house officer and avoid the light-dues thereby?—A. They do. We have no revenue cruisers, and no vessels of any class around the coast. An American vessel would outsail any boat we have.

Q. Well, now, a good deal was said about the percentage for credit upon the supplies to fishermen, and you stated that in the fall of the year the percentage charged for winter supplies was much larger than in the spring?—A. It is so.

Q. Now don't you know that the amount of winter supplies sold on credit is very small?—A. I stated that three-fourths of the supplies in the autumn were paid for by the people, and not more than one-fourth remained unpaid.

Q. These advances made upon credit are, of course, to those unable to liquidate their accounts for the past summer and pay for supplies for the winter?—A. Certainly, that is the case.

Q. And when you speak of the percentage charged in the spring, it would be impossible for you to give the average merely upon the statistics mentioned by you?—A. I have said so, and I have shown that it would be a most unfair calculation to attempt to strike an average between the two cases. When it was put to me that the 15 per cent. in the spring, with the 25 per cent. in the autumn, would make an average of 20 per cent, I especially repudiated that.

Q. Now, your attention has been called to the dispatch of Earl Kimberley, dated 17th June, 1871, relative to fish-oil. Are you aware that at that time there was a minute of council in Newfoundland by which the Americans were conceded the privileges of the treaty, to operate from that time or about that time?—A. I am aware of that.

Q. And was it not then the understanding that the privileges on the other side should be enjoyed by the Newfoundlanders?—A. I think so; I have understood that.

Q. As a matter of fact, from July, 1871, up to the promulgation of the treaty in Newfoundland in June, 1874, did the Americans enjoy the full privilege of the coast of Newfoundland?—A. They did, absolutely and without trammel.

Q. And on the other hand, did the Newfoundlanders enjoy the advantage of free trade with the United States, with regard to the sending of their fish and fish-oil into the United States free of duty?—A. No.

Q. They did not?—A. No.

Q. Have you made an estimate as to what that would amount to, from July, 1871, until the first of June, 1874?—A. No, I cannot give you an estimate in this regard; but the amount of duties saved under the Washington Treaty for the last three years has averaged \$49,000 a year. The amount that was exported to the United States before the ratification of the Washington Treaty was a little larger than that; therefore you may assume that \$49,000 a year is a very fair calculation respecting the amount paid by Newfoundland merchants in duties for each year from 1871 until 1874.

Q. Whilst on the one hand the Americans enjoyed the privileges of the Washington Treaty as regards Newfoundland—Newfoundland merchants—until the first of June 1874, did what?—A. They paid from \$50,000 to \$70,000 in duties on fish and other exports, which were, or ought to have been, exempted from duty.

Q. The merchants paid duties on merchandise which ought to have been exempted?—A. Yes.

Q. Do you consider that a fair claim against the American Government?—A. I do not know. If I was one of the Commissioners I would settle that point.

Q. At all events, the fact is there, that the Americans enjoyed the privileges of the treaty on the one side, and that on the other hand Newfoundland had to pay duties?—A. That fact is unquestionable.

Q. And the average of the duties which are now remitted, but then imposed, amounts to something like \$49,000 or \$50,000?—A. It would be about \$50,000. Certainly from 1871 until the treaty was promulgated the average of the duties paid by Newfoundlanders was not less than that amount, and I believe they would reach as high a figure as \$70,000 a year.

Q. Did you say that the people of Newfoundland were ignorant people?—A. I said nothing of the sort.

Q. As I understand it, you said that you were so ignorant that you did not know a seal from a fish?—A. I said that we were so ignorant that we did not discriminate between a seal and a fish.

Q. Or, in other words, you meant that you look on seal-oil as being fish-oil?—A. I remember that one of our learned judges wrote an able article to show that the seal was a fish, and mentioned that this was always spoken of as the seal fishery.

Q. You have referred to the fact of the Bank fisheries—the deep-sea fisheries—not being carried on by Newfoundlanders, except during the last three or four years to the extent of fitting out four or six vessels to engage in it, this being done in consequence of the bounty offered by the government. Now, will you tell us whether a certain amount of experience is not required for the Bank fisheries? Is not a different mode of fishing practiced there from that employed in connection with the inshore fisheries?—A. It is very different from the inshore fishing, and it requires a great deal of experience and the risking of a very large capital.

Q. In other words, the people engaged in it require to be trained to it?—A. Precisely. This fishery is, no doubt, most valuable and remunerative also, but the men must be trained for it. Our fishermen have lost the art of fishing on the Banks, and this is the cause of its not having been pursued by them now for at least thirty-five years.

Q. And the Newfoundland government is very desirous that they should be trained to it?—A. Yes. It is for that purpose alone, I understand, that the bounty is offered. It is given simply to help the merchants to carry it on, during the first three or four years, until the men are trained to it. The same course was pursued by the United States Government in giving a handsome bounty to their cod-fishers many years ago; it is now perhaps about twenty or twenty-five years since the bounty ceased. I remember very well that a handsome tonnage bounty was given by that government to their cod-fishers.

Q. And now the Americans have a trained body of men conducting the deep-sea fishery?—A. Yes. The French, too, give a handsome bounty to their cod-fishers; they grant a bounty of 9 francs a quintal on all fish shipped to the Mediterranean, and 10 francs on all shipped to British and other foreign ports outside of the Mediterranean, and 11 francs on all shipped to Isle Bourbon and to ports in the Eastern seas, while they protect home codfish by a duty of—I think I am right in saying so— $12\frac{1}{2}$  francs. I am told that in addition that they give a bounty of 40 francs for each gravier or boy brought to Saint Pierre, and 80 francs, I think, for each fisherman shipped on board a French banker to fish on the Banks; and this is the style of fishing with which we in Newfoundland have had to compete.

Q. The French Government subsidize to a considerable extent?—A. Yes; largely.

Q. You were referring just now to the fact that there were two kinds of boats, one manned by four and the other by two men, and you gave the average profit for the one a little different from that of the other?—A. There was only one-half per cent. of difference, I think.

Q. The four-hand boat, I think, fishes generally over a larger area of ground than the smaller boat?—A. There are larger boats employed to carry the fishermen from place to place, but they fish in the same description of boat as the small one, which they take with them.

Q. With the larger boat they will carry a smaller one; that makes two punts?—A. They fish over an area of many miles, and move from harbor to harbor until they find the fish plentiful.

Q. When you speak of large boats as being used in the spring of the year to carry bait to the French, you refer evidently to Fortune Bay, I believe?—A. I refer also to Placentia Bay.

Q. But to no other part of the island?—A. No; in no other part of the island are the people engaged in that business.

Q. In no other part do they supply the French with bait?—A. No; excepting Hermitage Bay, which may be called a portion of Fortune Bay. It is large, but still it is entered practically inside of Fortune Bay.

Q. Your attention has been called to the time when this treaty passed the legislature. Was there any doubt entertained at the time as to the result of the negotiations being that seal-oil would be admitted into the United States free of duty? Was this the general opinion at the time of the adoption of the treaty, notwithstanding all this correspondence, formed from statements made by the premier at the time, in the house and outside of it? Was it not generally entertained as an opinion that the concession of admitting seal-oil free of duty would be made?—A. Yes; I suppose you could find very few persons in Saint John's who did not believe that such would eventually be the result; that the negotiations which were going on between the British ministry and the American Government would result in that permission being given.

Q. And has not the refusal to admit seal-oil duty free caused a great deal of annoyance in the island of Newfoundland with respect to this treaty?—A. I think that it has created a feeling of soreness among our people.

Q. And they really feel that they have not been as generously treated as they intended to treat the Americans, or as they expected to be treated?—A. Yes; I think that they feel pretty sore about it. This is the feeling throughout the whole island.

By Mr. Foster:

Q. Will you be good enough to tell the Commissioners what privileges there were which the American fishermen were deprived of before this minute of council was entered into, and which they began to enjoy immediately afterwards, in consequence of it? Enumerate the privileges of which they had been deprived.—A. They had no privileges on that part of the coast.

Q. I am not speaking about the privileges granted by the treaty, but the privileges practically enjoyed. What was it that, after the minute of council was entered into, the American fishermen were allowed to do which immediately previously they had been prevented from doing?—A. They never did take bait for fishing on the Banks, to my knowledge, until that minute of council was published in July, 1871.

Q. And how soon afterward did they begin to procure it?—A. That summer.

Q. And you think that this was in consequence of the issue of that minute of council?—A. Yes.

Q. What else was there?—A. They prosecuted the halibut fishing.

Q. What else?—A. They fished, to a limited extent, for herring in the winter.

Q. Had they previously been prevented from fishing for herring?—A. I am not sure that they had been prevented, but I remember that the government had determined to prevent them from doing so.

Q. Your recollection that they had determined to do so is pretty strong, but they had not yet begun to prevent them doing so; is not this the case?—A. I think that this determination had been taken the year previous. At that time I think that the steamer Montecello came

there and caught a load of herring, and I think that the people thought this was carrying it a little too far, as Newfoundlanders were excluded from sending herring in their own vessels to the Boston market, while the American steamer Montecello was allowed to come and catch a cargo and carry them into the American market duty free. It was considered that this was carrying the privilege a little too far.

Q. Had the government actually begun to prevent the Americans from doing so?—A. I think that they intended to do so.

Q. Intended or begun?—A. They had not done so, as far as I know, but I believe that they would have done so that winter.

Q. This did not make any actual change in the practical operation of affairs?—A. I think that the minute of council resulted in preventing any official under the government from carrying out any previous instructions such officials had received.

Q. They continued to do as they had always done; that is the amount of it, is it not?—A. They granted them freedom by that minute of council, but I do not know that the Americans had any legal freedom in this relation previously.

Q. But they had actual freedom. Had the Americans also been prevented from carrying on the halibut fishing?—A. Yes; they had been interfered with.

Q. How?—A. In 1870, I think that there were several American vessels fishing off Pass Island, and men at Hermitage Bay telegraphed to the admiral at Halifax, informing him that a number of American fishermen were fishing there, depriving our fishermen of halibut and of the chance of catching cod. The admiral sent a vessel direct from Halifax down to that locality, but intimation of this had, however, been given, and the American fisherman were very snug under sail and sailing toward Brunet Island when the man-of-war arrived, so that nothing really was done to them, although the man-of-war left boats at the place.

Q. How many of them were there?—A. There were six American fishermen.

Q. These were the same six which you noticed fishing there?—A. Yes.

Q. Have they been back since?—A. They have been there every year, I am told, until within the last two or three years.

Q. There was a considerable number of them until within the last two or three years?—A. Yes; until the last two years.

Q. What has become of them?—A. I am told that they have pretty nearly exhausted that fishery. It has been pretty well cleaned out by them.

Q. So that privilege was disposed of in about two years of the twelve?—A. With what the Americans took fairly under the treaty and unfairly before the treaty, they managed to dispose of it in about ten years.

Q. Do you know where I could see the minute of council entered into in 1871? Do you by chance remember whether it admitted American fish free of duty into Newfoundland?—A. I do not remember that.

Q. Was it not simply limited to the other things you have enumerated?—A. I would not like to speak on that point, because it is a matter of too much importance to trust to memory about.

Q. Under the treaty, American fish was admitted free of duty into Newfoundland a year after this was the case with all the rest of British North America?—A. Yes, I believe that the treaty was proclaimed there one year afterward.

Q. And that delay was caused by the inhabitants of Newfoundland

themselves, who had the option of coming in or staying out, in this regard?—A. O, no; it was caused simply by the proviso in the original act put in, providing that the American fishermen should be compelled to abide by the local laws, which prevented seiuring and other things of that kind.

Q. It was due to your declining to accept the treaty unconditionally and annexing an addition to it which was not permissible?—A. The addition was understood.

Q. It was, then, your own acts and admissions which prevented your coming in at the same time with the rest, was it not?—A. We were so prevented by that addition to the treaty from coming in until one year after.

Mr. WHITEWAY. I think that the following extract, taken from Governor Hill's dispatch to the Earl of Kimberley, gives the purport of this minute of council :

My ministers, however, to whom I have communicated the whole of the important documents respecting the Washington Treaty, are willing to consider this omission as unintentional, and although anxious to obtain information on this point, have resolved to comply with the wishes of Her Majesty's Government as regards the admission, during the present season, of citizens of the United States to the provisional use of the privileges granted to them by the treaty, so far as lies within the jurisdiction of the Government of Newfoundland to bestow.

Q. Is there a dispensing power over the laws of Newfoundland vested in the governor in council?—A. There is no dispensing power vested either in the Queen or governor.

Q. Then, until Newfoundland accepted the treaty, there was no legal way of preventing the Americans from paying duty, was there?—A. Yes, it is considered legal in the same way, or on the same ground, that the bank charter in England is suspended in case of necessity. There is a way, but not a legal one; still it may be done, and remedied by *post-facto* legislation.

Q. Do you really mean to tell the Commission that regarding a matter of revenue the enforcement of a revenue law could be suspended, or was ever suspended, by a minute of council in your island?—A. I would not say that this was ever done.

Q. What would your liberties be worth if it was done?—A. I think that people who are sturdy are well able to take care of their liberties.

Q. And they would do it pretty quickly if these were invaded like that?—A. Yes; I think so.

Q. Perhaps you would be willing to state that there was no legal way of preventing the Americans from paying duty for their exports of fish to Newfoundland until you accepted the treaty?—A. I think that there was no such way, but I do not know it to be the case. I would not be positive on that point.

Q. What is your doubt regarding it? What conceivable legal way is there of removing duties on American fish until the treaty was finally accepted?—A. I do not remember that Newfoundland did make any exception in its revenue laws.

Q. Of course it did not. Honor bright; did you ever know of a pound of American fish being imported into Newfoundland free of duty before the treaty was adopted?—A. O, certainly not.

Q. Then we did not at that time get our fish in there free of duty?—A. O, certainly not.

Q. You have told us, I think, earlier in your testimony, that you considered the remission of duties on American fish imported into Newfoundland fully equal in value to the remission of duties on Newfound-

land fish and fish-oil coming into the United States?—A. That is, for the past three years.

Q. Was it not for four years?—A. No; because the Americans had not then brought their fish in to sell, nor had we benefited by the remission of duties in the United States.

Q. You have expressed the opinion, have you not, that the remission of duties was an equal affair on each side?—A. I did not say that this was an equal affair; but I said that the remission of duties on each side should be set against each other.

Q. Don't you think that the one is fully equivalent to the other?—A. I should say not. Equivalent means balance—pound for pound.

Q. Which way do you think the balance inclines?—A. I can only tell you as far as our returns show, that we saved about \$50,000 of duty on goods sent to the United States, and that the Americans have saved \$78,000 a year in duties on fish now sold in Newfoundland.

Q. So much the better for my purpose!—A. So much the better for the American fishermen.

Q. It turns out then that you collected duties on or prevented the importation of our fish, because the duties stopped such importation until the treaty was formally adopted, and that up to the same date we collected duties in your fish?—A. I do not know that such was the case.

Q. Do you mean to say that the Bank fishery was built up between 1871 and 1874?—A. O, no; it has been built up for many years, and it is now largely carried on, as far as my information goes.

Q. How much has it increased, and in what years?—A. During the last five or six years, I am told that this fishery has increased very much; and that the number of vessels engaged in it is very, very much greater than it was previously.

Q. What number would you give for 1870?—A. About 500 sail. I think that there are now about 1,000 vessels on the Banks.

Q. Do you know whether it is in consequence of a considerable failure in the American fisheries that some of our fishermen have gone there?—A. Yes. I have found that such is the fact, and it has proved a very prosperous fishery for them, I am informed.

By Mr. Whiteway:

Q. Are you aware that the Montecello prosecuted the seal fishery from Newfoundland prior to the Washington Treaty?—A. She did.

Q. They came in and fitted out there?—A. Yes.

Q. No objection was raised to this by the Newfoundland Government?—A. They permitted it. She brought the seals in and sold them in St. John's, without paying any duty, I believe.

By Mr. Foster:

Q. Do you know who owned her?—A. I have forgotten, but it was a New York house.

Q. Where was it located?—A. It was not located in Newfoundland at all. A New York house sent her to Newfoundland.

By Hon. Mr. Kellogg:

Q. How do you look upon the cod cured in Newfoundland?—A. They are the best cured to be found in the world.

Q. You consider that they are the best in the world?—A. The fish that I think ranks as high are cured by Robins & Co., at Gaspé. I know of no other cod fishery that can equal those cured in Newfound-

land; but they do not sell much more than 40,000 or 50,000 quintals of fish a year.

Q. What I want to ask you is, whether the claim that Gaspé furnished the best codfish in the world was acknowledged by you?—A. Not by any means. Our fish, I think, has the monopoly of the Brazilian market. Gaspé fish are also sent in there to a small extent, and they compete favorably with ours.

By Mr. Dana:

Q. Are not the Norwegian fish considered of superior quality?—A. It is equal to our Labrador fish, but not to our shore fish. It is not a superior fish, but great care is exercised in curing it. They clip the fins and take a great deal of care of them.

By Mr. Whiteway:

Q. Are you aware whether the produce of the seal fishery carried on by the Montecello, was rendered in St. John's, and imported into the United States free of duty? Was the oil rendered at St. John's, and so shipped?—A. It was. I remember that it was rendered by Harvey & Co.

Q. In what year was she there?—A. I would not like to speak positively on that point, but I think it was in 1872.

#### No. 16.

WILLIAM KILLIGREW, sixty-three years of age, merchant, of St. John's, Newfoundland, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Whiteway:

Question. Where do you carry on business?—Answer. At Renews, and also on the southern shore.

Q. Renews is a little to the north of Cape Race?—A. Yes, it is about 30 miles to the north of that point.

Q. Did you ever carry on the Bank or deep-sea fishing?—A. Yes; I did.

Q. When?—A. From 1832 to 1835. I was at the time acting for my father.

Q. The business was done in your father's name?—A. Yes.

Q. How many vessels had he?—A. Only one.

Q. In order to prosecute that fishery you consider that the coast of Newfoundland is absolutely necessary as a basis of operation?—A. Yes, I should say that it is one of the best possible places for the purpose. The Banks are pretty near the coast, and the island offers very favorable facilities for obtaining bait.

Q. What bait is used in the cod fishery?—A. We used to use caplin during the first part of the season.

Q. For the Bank fishing?—A. Yes.

Q. And subsequently?—A. We afterwards used squid.

Q. Both these fishes are found in, about, and on the coast of Newfoundland?—A. Yes.

Q. You have a most intimate knowledge of the fishery prosecuted between Cape Race and Conception Bay?—A. Yes.

Q. And also a general knowledge of the fishery carried on at other parts of the island?—A. Yes.

Q. What bait first makes its appearance in the spring of the year?—A. Herring.

Q. At what time?—A. About the middle of April, on the coast from Cape Race northwards.

Q. How long do they remain?—A. All the season, until the end of November, or some time in December. They are found at all times up to November.

Q. How long are herring used for bait in the cod fishery?—A. Until the caplin make their appearance.

Q. When is that?—A. Generally about the middle of June.

Q. And how long do they remain?—A. For five or six weeks, and sometimes longer. The general average is about six weeks.

Q. What bait follows?—A. Squid.

Q. About what time?—A. It comes in generally about the 15th or the middle of July.

Q. And how long does it remain?—A. Until the end of November.

Q. Are you acquainted with, or have you been informed about, the operations of the American bankers on the coast to which you have just referred?—A. Yes; for the past two years.

Q. Have they resorted to the harbors along that coast in any considerable numbers?—A. They have; in large numbers.

Q. In all the coves and harbors or only in a few of them?—A. They have resorted to those all along the coast as far as Conception Bay.

Q. For what purpose?—A. To obtain bait; caplin first and squid afterwards.

Q. And ice?—A. Yes.

Q. How long do they generally remain in for bait after they have arrived?—A. For caplin they very seldom have to stay more than 12 or 16 hours. If the caplin have struck the land at the time, they have no difficulty in getting them, and they generally know when the caplin will be there.

Q. How long do they stay to obtain squid?—A. Sometimes not longer than the time I have mentioned; but squid are sometimes a little more uncertain. They have to jig them; they are not hauled in seines like caplin. They may have to remain two days for squid.

Q. How do they obtain caplin and squid? Do they take this bait themselves or purchase it from the people?—A. It is done in this way: They generally hire a man who owns a seine, and the crew of the American vessel goes with him. This man receives so much for the use of his seine and for his services.

Q. This has reference to caplin?—A. Yes.

Q. How do they obtain squid?—A. They purchase it if they can; otherwise they catch it themselves.

Q. How long does it take American bankers fishing on the Banks to come in and obtain their bait from the coast and reach their fishing-grounds again?—A. Under favorable circumstances they could do this in sixty hours.

Q. They could return to the Banks in sixty hours after they had left the grounds?—A. Yes.

Q. Have you received that information regarding the time from any American captain?—A. I have—indirectly. I have heard it from my son, who has conversed with them on the subject.

Q. And you also know it from your own knowledge?—A. I know from my own knowledge that they could do so.

Q. Have you received any information from American captains regarding the practice of throwing small fish overboard from the vessels?—A. I have.

Q. What information did you receive?—A. In 1875 I met a Captain

Price and another American captain on board a coastal steamer, and he told me that they threw away more fish every year than we caught. He referred to half a dozen American bankers.

Q. He was speaking of what your firm got?—A. Yes; he knew where my place of business was. I asked him what was the size of the fish they threw away, and he answered, "Anything that won't make 22 inches after being split we throw away."

Q. That is after the head has been taken off and the fish split?—A. Yes.

Q. Are you aware that any other practice in this connection has been adopted since the Washington Treaty has come into operation?—A. Yes; they do not throw away these fish at all now; they sell them.

Q. To whom?—A. To different parties.

Q. Where?—A. On the coast.

Q. To Newfoundlanders?—A. Yes.

Q. Your firm has bought some of these fish, I believe?—A. A little, but not much.

Q. In what way are they prepared?—A. They are just salted lightly, as we would salt them ourselves. Their own fish are salted very differently. I now allude to the large fish which they take to market. They salt these fish, however, lightly, bring them in and sell them to Newfoundlanders, keeping them separate from the others.

Q. Do they sell fish-oil on the coast of Newfoundland?—A. Yes.

Q. From your knowledge of the fishery, would the oil extracted from these small codfish pay for the labor and the salt?—A. Yes, I should say that it would, fully; more oil is obtained from the small fish than from the large by a good deal in proportion.

Q. Then the result of the sale of the fish themselves is clear profit to the Americans?—A. Yes.

Q. These are what they previously threw overboard; and the labor and salt is paid for by their oil, while the value of the fish is clear profit to them?—A. Yes; otherwise they would have to throw them overboard.

Q. How is the cod fishery carried on by Newfoundlanders?—A. Principally with the hook and line.

Q. Where is it carried on?—A. All along the coast.

Q. At what distance from the shore?—A. From one mile to two miles, and sometimes within a mile.

Q. It is carried on at not more than half a mile from the shore in some places?—A. Yes. It is prosecuted almost entirely within three miles of the shore. This is the case with one or two exceptions.

Q. On Cape Ballard Bank, it is carried on at a certain season?—A. Yes. Cape Ballard Bank is about seven miles from the coast. A larger class of boats fish there late in the season. When the fishing fails along the shore the large boats go out to this bank.

Q. In one or two other places the fishermen go out to fish in the same way at a greater distance than three miles from the coast?—A. Yes.

Q. Judging from your knowledge of the fisheries, how many quintals would you say were caught by Newfoundlanders outside of the three-mile limit?—A. The greater portion is caught inshore. I should say that nine-tenths of the fish are caught within the three-mile limit.

Q. How many quintals would you say, in round numbers, are caught outside of the three-mile limit?—A. For the season it would be from 8,000 to 10,000 quintals. This would be very near the thing.

Q. What are the principal Newfoundland markets for fish?—A. Spain

Portugal, the Mediterranean, the West Indies, and Brazil; some are also shipped to Great Britain and Ireland.

Q. Would you describe how the fish is prepared and cured for these markets?—A. The sooner the fish are gutted and split, after being caught, the better. If this is not done within 12 or 14 hours of their being taken, particularly in warm weather, it has a bad effect on their flavor. The oil from their liver then runs, and that is the consequence of it. The fish is never as merchantable after that as it would otherwise be. They are not then fit to be classed as number one; and they also do not take the salt as well under these circumstances.

Q. The fish should be split within twelve hours of being taken?—A. Yes; if possible. They should be washed and put under salt.

Q. How long do they remain under salt?—A. About 6 or 8 days. They are then washed, and after laying for 24 hours in what we call a water-horse—this is the name given to it by fishermen in this part of the country—the pickle is pressed out. They are placed in a large boat. The pressing out of the pickle renders the fish less liable to be touched by the sun on a warm day. It requires a good deal of care to prevent their being sun-burned. This is particularly the case with the large fish; after half a dozen spreadings they are piled. Altogether it will take some five weeks in suitable weather to make them ready for the markets which I have mentioned.

Q. Is very hot weather suitable for the curing of the fish?—A. Not at all. A cold, dry, westerly wind with some sun, but not too much of it, is most suitable for the purpose.

Q. What would be the effect of a very hot sun and a humid atmosphere on the fish?—A. A hot day would very likely have the effect of burning the fish.

Q. The population of Newfoundland is about 150,000, I believe?—A. Yes.

Q. How are the people located along the coast?—A. They live along the creeks and inlets and all along the coast, in almost every locality, within every mile or two.

Q. Every cove or creek is settled on?—A. Yes.

Q. Are these families wholly and solely dependent on this fishery?—A. Yes; perhaps a few farm, but very few do.

Q. They do very little in the way of agricultural operations?—A. They do scarcely anything in that direction. In some localities they do nothing at all in that way. Others do a little. One in every hundred families, perhaps.

Q. When does their fishing season commence?—A. On the southeast coast it begins between the 5th and 20th of May.

Q. And continues until when?—A. In some localities it is prosecuted until the end of November.

Q. What are the people occupied in doing during the winter season?—A. Very little is to be done in winter.

Q. They then mend nets and build boats?—A. Yes. Some of them go to the seal-fishery.

Q. What do these people principally use in the way of animal food?—A. Fish.

Q. They themselves consume a large quantity of fish?—A. Yes; a very large quantity.

Q. Have you made up an estimate in this regard?—A. Yes.

Q. What is the result of your calculation?—A. I assume, on the most moderate calculation, that each family consumes yearly about six

quintals, and that there are 30,000 families on the island; consequently they would consume about 180,000 quintals of fish annually.

Q. How many are there in each family?—A. I put down the average number at five. I value this fish at \$4 a quintal. I put down five barrels of herring to each family, and this would be worth \$150,000. I estimate that 36,000 acres of land are manured with fish worth 50 cents a barrel. Six barrels are used to the acre.

By Mr. Foster:

Q. To what kind of fish do you refer?—A. Herring, caplin, and other kinds are used for manure.

Q. How many acres are utilized for agriculture?—A. Thirty-six thousand. Caplin are principally used for this purpose, but a few herring are so employed.

Q. And you value these fish at half a dollar a barrel?—A. Yes.

By Mr. Whiteway:

Q. At what do you estimate the sum total?—A. At \$978,000.

Q. This is for the population residing on the coast from Ramea Islands to Cape Race, and northward to Quirpon, at the northern extremity of the island?—A. Yes.

Q. According to the census, there are, I believe, only from 8,000 to 10,000 people living on what is commonly called the French shore on that part of the coast, along which the French have a right to fish?—A. That is about the number, I think.

Q. The whole population of the island numbers about 160,000?—A. Yes.

Q. Are you aware of any American vessels having been engaged in fishing within the three-mile limit on the coast of Newfoundland?—A. I cannot speak directly in this connection, but I have heard of two or three American vessels having fished within the three-mile limit.

Q. Where?—A. One at Cape Pine; another at Mistaken Point; and a third at Cape Saint Mary.

Q. What fish were they seeking?—A. Cod. I cannot speak positively on the point, but I believe that such was the case.

Q. Judging from what you have seen with respect to the securing of bait by the Americans, what effect has it on the bait fishery; I refer in the first place to caplin?—A. It has a very bad effect.

Q. In what way?—A. The hauling of seines in the bait coves disturbs the bait and has the effect of driving it away from our shores, and in all probability the fish will follow the bait; thus both fish and bait will be driven away from the shore after a time.

Q. As a matter of fact in your experience of the fishery, do the fish leave when the bait goes away?—A. Most certainly they do.

Q. In what way is the fishery carried on by Newfoundlanders?—A. With the hook and line, bultows, cod seines and cod nets.

Q. When are the cod seines used?—A. After the caplin strike the shore. About the middle of June.

Q. And at that time are the cod to be found along the shores in very large schools?—A. Yes, generally.

Q. Under what circumstances is cod seining most productive? Is this the case when the bait are undisturbed on the coast?—A. Certainly. Where there is no bait there are no fish on the coast.

Q. In order to prosecute the cod fishery here successfully by seining, it is desirable that the caplin should be allowed to remain quietly on the coast?—A. Certainly.

Q. They should be disturbed as little as possible?—A. Yes. Where there are no caplin, fishermen never expect to find cod.

Q. Do they ever throw a seine where there are no caplin?—A. No. Sometimes after the caplin have left I have seen the cod in for spawn, but never otherwise.

Q. For the caplin spawn?—A. Yes. This would happen once in seven years perhaps.

Q. The cod come in after caplin spawn, after the caplin have been there and spawned?—A. Yes.

Q. And then cod-seines are used to advantage?—A. Yes; but that very seldom occurs. I have, however, known instances of it during my time.

Q. It is only when the cod are in after caplin or caplin spawn that cod-seines can be used advantageously?—A. Yes.

Q. Does the procuring of bait by the Americans on shore tend to disturb the caplin in these coves, and consequently affect cod-seining?—A. Well, I do not think that any damage has as yet thus been done, because we have always had sufficient bait on our shores; but I am afraid that it will have a very injurious effect in this relation in a short time. It is impossible for the bait-coves to stand the dragging to which they are just now continually subjected. I have heard of one or two instances in which an injurious result has followed this practice.

Q. If this fishery on the coast is in any way injured it means almost starvation to the people, I suppose?—A. It does, indeed.

Q. Depending wholly on the fishery as they do for sustenance?—A. Yes; they have nothing else on which to fall back.

Q. They have nothing to fall back on if the fishery fails?—A. Nothing whatever.

Q. When you carried on the Bank fishery, did any practice with regard to the throwing of offal overboard exist?—A. Yes.

Q. What was it?—A. The vessels always used to remove to a distance from where they were fishing and throw it overboard. They generally went away to a distance of 12 or 14 miles. This was the custom in my early days. Afterward, they returned to the fishing-grounds.

Q. Have you formed any opinion as to throwing over of offal affecting the fishing grounds injuriously, or otherwise?—A. My impression is that it does them great injury.

Q. Have you formed any opinion regarding the effect which the large number of Bank fishing vessels, in being upon the outer Banks and fishing off the coast of Newfoundland, will have on the inshore fisheries?—A. I have.

Q. What is it?—A. I consider, judging from the number of bankers that are now on the Banks, and the number of lines and hooks which they have out, that this, with the use of fresh bait, will have a very bad effect on our shore-fishery; it must to some extent stop the fish coming on our shores.

Q. That is your opinion?—A. Yes, because they employ fresh bait. The French fish with salt bait altogether. They never take fresh bait with them.

Q. You think that a large quantity of fresh bait distributed on the Banks, on the hooks of these bultows, attracts the fish there and prevents them from coming into the coast?—A. Yes.

Q. Upon what basis is that opinion formed?—A. It is founded on this basis: The very small fish that I have seen the banker's bring in; these are like the fish that are caught on our own shore.

Q. Then your opinion is that the Bank fishing of Americans will keep

away from your own shore the fish that have been accustomed to come there!—A. Yes. The present Bank fishing is not at all like the Bank fishing which used to be prosecuted in my early days.

Q. What is the difference?—A. It relates to the size and color of the fish caught.

Q. These are now smaller?—A. Yes; 35 fish used to be considered a large average for a quintal of fish; but now I think it will take of the fish I have seen on board of the American bankers from 40 to 45 fish to make a quintal. The fish are of a very small description.

By Mr. Foster:

Q. Do you mean in the cured state?—A. Yes.

By Mr. Whiteway:

Q. What about the color?—A. There is also a difference in the color of the fish. Regarding this matter, I speak from experience. Two hundred quintals of fish taken from a vessel which was lost, were left on my premises at Renewes, and I saw the fish, and it struck me at the time how small they were compared with what their size used to be. These fish were caught on the Banks. I spoke to the captain about it, and he said that this was the general run of the fish that were now caught on the Banks. The underwriters placed these 200 quintals on my premises.

By Sir Alexander Galt:

Q. What would be the average live weight of these fish?—A. I suppose that some would weigh from 30 to 40 pounds.

Q. There must be a great many small ones?—A. So there is. I have seen a great many which weighed 50 or 55 pounds.

Q. How much would they weigh when cured?—A. Sometimes, if very large, from 10 to 12 pounds. I have seen fish which weighed 17 pounds when cured.

By Mr. Whiteway:

Q. Do you know how many bankers came on the portion of the coast to which you have referred to obtain bait during the last summer?—A. Judging from what I have myself seen, and from what I have heard my son say, a great many must have come there. I have, of course, seen a great number myself in different localities.

Q. How many?—A. I have seen in different localities from 100 to 150 at a time.

Q. Have you made any estimate regarding the number of American vessels?—A. No, save from what I have gathered from hearsay.

Q. At what do you thus estimate the number?—A. Between 400 and 500 vessels. That is the best information I have been able to obtain.

Q. As a matter of fact, previous to the last two years, what has been the condition of the fishery on that portion of the coast to which you have just referred?—A. It was then very much in advance of what it is now.

Q. Then it has diminished in productiveness during the last two years?—A. Yes; and very much so, indeed.

Q. That is within the limits I have just mentioned?—A. Yes.

Q. From Cape Race to Conception Bay?—A. Yes.

Q. And these are the limits between which the Americans have been securing their bait?—A. Yes.

Q. As regards the fishery to the north of this—along Trinity, Bonavista, and Notre Dame Bays—what has been its character during the last

two years; has it been affected?—A. No; the fishing in that quarter has been capital during the last two years.

WEDNESDAY, August 15, 1877.

The conference met.

The examination of Mr. KILLIGREW was resumed.

By Mr. Whiteway:

Q. Judging from your knowledge of the deep-sea fishery, what effect, in your opinion, would the privilege enjoyed by the Americans in being enabled to obtain bait on the Newfoundland coast have on the prosecution of that fishery by them, as regards the number of cod-fishing voyages which they could make?—A. It would be a very great advantage indeed. I believe that from being enabled to procure bait on the Newfoundland shore, they would make three voyages or trips, when perhaps they otherwise could only make one.

Q. They thus could make three cod-fishing trips?—A. Yes; where otherwise they could only make one.

Q. Do you consider that the privilege of transshipping fish on the coast of Newfoundland, or in the harbors of Newfoundland, would be an advantage?—A. I believe that it would be a very great advantage. They would, with this privilege, be able to almost double their trips, or nearly so, I fancy. They are then subjected to no delay; and besides less risk would be incurred after the property was transshipped on board ships, because they could in this case insure it, and it would then reach its destination without any risk to the owners. In addition, it would enable the fishing-vessels to prosecute their voyages very much better, they being light and buoyant under such circumstances; they would not be so much encumbered with material on deck as they are when they make a long trip.

Q. A question was asked yesterday regarding the amount of bounty given by the Newfoundland government to their people to encourage the Bank or deep-sea fishery; do you know what this bounty is?—A. Yes, it is 30 shillings a ton; one-half goes to the owner and the other half to the crew.

Q. That would be \$6 a ton?—A. Yes.

Q. How long is this bounty to be continued according to the act?—A. I believe for two or three years.

Q. It is thus granted yearly to each vessel prosecuting the Bank fishery?—A. Yes.

Q. As one well acquainted with the curing of codfish, what in your opinion would you say is the best-cured fish?—A. I believe that the best-cured codfish is cured in the way we ourselves do it.

Q. Do you now allude to the shore fishery?—A. Yes.

Q. The fish are prepared and cured as speedily after being caught as possible?—A. Yes. I believe that our fish takes precedence in almost every market.

Q. The Grand Bank of Newfoundland, I believe, covers a very large area?—A. It does.

Q. Can you form an opinion as to the area of fishing ground that is at present used?—A. Yes.

Q. I am now speaking of the deep-sea fishery; give an approximate idea regarding its extent. These Banks are fished on by the Americans and French, and, in fact, they are open to the world. There is the Grand Bank, as it is termed, is there not? Will you name the banks?—A.

There is the Grand Bank, and St. Peter's Bank, and what they call the Flemish Cap, which is situated beyond the Grand Bank.

Q. Don't they fish out as far as the Virgin Rocks?—A. This is one of the nearest places from Cape Race; it is nearly 200 miles from that part of the coast.

Q. This is on the Grand Bank?—A. Yes.

Q. There is also St. Peter's Bank?—A. Yes; and a small bank is situated off Cape Ballard, within seven miles of the shore.

Q. Are there any other Banks?—A. There are no other that I am aware of.

Q. Is there not the George's Bank?—A. Yes.

Q. From having carried on the fishery on the coast of Newfoundland for such a length of time, can you give us the result of your experience regarding the profits made in connection with the different modes of prosecuting the fishery? In the first place take up the fishing with punts manned by two hands. Have you made any calculation as to what would be the profit obtained from this mode of fishing?—A. Yes.

Q. Read the paper you have prepared.—A. It is as follows:

*Punt—two hands—six months.*

2 bags bread, at 3s. a bag .....	£3	0	0
1 barrel flour, at 50s. a barrel .....	2	10	0
5 gallons molasses, at 3s. 6d. a gallon .....	17	6	
6 pounds tea, at 3s. a pound .....	18	0	
6 pounds butter, at 1s. 4d. a pound .....	8	0	
Cooking utensils .....	15	6	
Bait money, 40s .....	2	0	0
Hire of whaleboat and gear .....	5	0	0
Hire of 1 herring-net .....	15	0	
12 shore-lines .....	18	0	
½ gross N. hooks .....	2	6	
Lead, twine, and corkwood .....	10	0	
Hire of fishing room .....	2	10	0
Servant girl's wages .....	6	0	0
Servant girl's diet .....	6	0	0
	32	4	6
2 men's wages .....	50	0	0
	82	4	6

Cr.

By 90 quintals fish, as a fair average catch, at 25s..... £112 10 0  
Equal to 26 per cent.

Q. You mean equal to a profit of 26 per cent?—A. Yes.

Q. Now take a western boat manned by six men for six months, and a cod-seining boat manned by seven men for six weeks. In the first place, what do you mean by a western boat?—A. It is one of our largest description of boats; they have a tonnage varying from 22 to 28 tons. Some of them are probably a little larger, but very few of them are so.

Q. The western boats follow the fish to different parts of the coast?—A. Yes.

By Sir Alexander Galt:

Q. Do they stay out at sea?—A. Yes; perhaps for three or four weeks. They are something similar to bankers; but they only fish about a couple of miles from the shore. They scarcely ever go farther than that from the coast. The following is what would be the outfitting of a hook-and-line western boat with six men for six months:

*A hook-and-line western boat with 6 men for 6 months.*

9 <i>1</i> <sub>4</sub> bags bread, at 30 <i>s</i> .....	£14	12	6
4 barrels pork, at 100 <i>s</i> .....	20	0	0
15 <i>6</i> pounds butter, at 1 <i>s</i> . 4 <i>d</i> .....	10	8	0
3 barrels flour, at 50 <i>s</i> .....	7	10	0
39 gallons molasses, 3 <i>s</i> . 6 <i>d</i> .....	6	16	6
14 pounds tea, at 3 <i>s</i> .....	2	2	0
12 dozen St. Peter's lines, at 20 <i>s</i> .....	12	0	0
20 gross M 4 hooks, at 4 <i>s</i> .....	4	0	0
12 rans cod-seine twine, at 4 <i>s</i> .....	2	8	0
Hire of boat and craft, with 2 seines and 2 herring-nets .....	35	0	0
Skipper's wages, half a man's share .....	41	13	4
5 men's wages .....	150	0	0
Curing 400 quintals fish, at 2 <i>s</i> .....	40	0	0
	346	10	4

Cr.

By 400 quintals fish, as a fair average voyage, at 25*s* ..... £500 0 0  
 Equal to 30 per cent. profit

And the following list gives the outfittings for a cod-seiner with seven men for six weeks :

*Cod-seine-with 7 men for 6 weeks.*

4 bags bread, at 30 <i>s</i> .....	£6	0	0
1 <i>1</i> <sub>2</sub> barrels pork, at 100 <i>s</i> .....	7	10	0
14 gallons molasses, at 3 <i>s</i> . 6 <i>d</i> .....	2	9	0
42 pounds butter, at 1 <i>s</i> . 4 <i>d</i> .....	2	16	0
10 pounds tea, at 3 <i>s</i> .....	1	10	0
1 <i>1</i> <sub>2</sub> barrels flour, at 50 <i>s</i> .....	3	15	0
6 men's wages, at £15 .....	90	0	0
Shipper's wages .....	20	0	0
Curing 250 quintals fish, at 2 <i>s</i> .....	25	0	0
Hire of cod-seine, skiff, and gear per year (the seine will require to be replaced in 7 years), with expenses and repairs .....	25	0	0
	184	0	0

Cr.

By 250 quintals fish, as a fair average voyage, at 25*s* ..... £312 10 0  
 Equal to 39 per cent. gain.

By Sir Alexander Galt :

Q. At what figure do you set the wages?—A. £15.

Q. For how many men?—A. For seven men. This is for a voyage of six weeks.

My Mr. Whiteway :

Q. Of course, the men are also fed during that time?—A. Yes.

Q. Are these charges and expenses taken from your books as actually being the charges connected with such cases?—A. They are.

Q. And this return shows a fair average respecting the returns usually made?—A. Yes; the estimate is rather under the mark, if anything.

Q. Then you have no objection to pledging your oath that the estimates of profits so set down by you are fair?—A. No.

Q. Have you had any conversations with American captains relative to the Bank fishery?—A. Yes; I have.

Q. Will you state what those conversations related to, and what the opinion of the American captains has been?—A. I will. My memoranda run as follows:

BAY BULLS, 28th July, 1877.—Chanticleer, American banker, of Provincetown, 60 tons, 11 men, W. K. Matheson, master. Anchored on the Banks the 5th May, with salt clams for bait. Was in once before there for caplin, which he got at Cape Rough. Has about 350 barrels of fish on board when cured. Came in now for ice and squid.

Would not take any bait but squid. Has plenty of clams on board, but captain says they are no good now for bait. Considers it a great advantage to their Bank fishery to be able to get ice and bait here. Only makes one trip.

Weenoth, American banker, of Provincetown, 65 tons, 11 men, Christopher McCray, master, left Provincetown for the Banks on the 4th May, with salt clams for bait. Was in once before this, and obtained caplin and ice at Cape Broyle. Requires ice and squids now for bait. Only makes one trip. Has about 350 quintals fish on board when cured. Considers it a great advantage to their Bank fishery to be able to get ice and bait here. Considers the squid the best bait. Would wait a fortnight for the squid rather than go with any other bait.

Helen, of Beverly, American banker, 63 tons, 11 men, Archibald Campbell, master. Has been about three months on the voyage. Left United States with clams for first bait. Has about 500 barrels codfish on board when cured. Came in here for ice and bait. Must get the squid bait, if possible. Would wait some time for the squid rather than go with any other bait at this season. Thinks it of great advantage to their Bank fishery to be able to get ice and bait here.

William A. Jewel, American banker, 70 tons, 10 men, Alexander McDonald, master, of Provincetown. Left there for the Banks on 2d May last. Has about 1,100 quintals of fish, green. Came here for ice and bait. First bait, clams. Found fish plenty on the Banks. Wishes to get the squid bait, considering it preferable to any other at this season. Also thinks it a great advantage to them to be able to obtain bait here.

FRESH WATER BAY.—*Saint John's, Monday, 23d July, 1877.*—Went on board of the American banking schooner Speedwell, 65 tons, of Hyannis, Henry Corft, master. The master not being on board, the mate, Mr. Degan, informed me that they had been about 12 weeks on the voyage. Had about 450 qts. of codfish on board when cured. Left the United States with clams for first bait. Came here more for the purpose of procuring ice and fresh bait. Fish can be caught with the squid when it cannot with any other bait. Considers it a great advantage in the prosecution of their Bank fishing to be able to come here and obtain ice and bait. Was in once before and obtained fresh caplin.

Hattie S. Clark, 65 tons, Johnson, master, of Gloucester, informed me that he came in here for the purpose of obtaining ice and bait. Had been over two months on the voyage. Had about 480 qts. codfish when cured; considers it of great advantage to them to be able to get ice and bait here. Considers the squid at this season of the year the best that could be procured. Was in once before in June and obtained fresh caplin.

Went on board of American banking schooner Wave, of Plymouth, United States, 53 tons, J. S. Kelly, master. Came in here for ice and bait. Has been about 2 months on the voyage, and has on board about 350 qts. codfish for 10 men. Took his first bait, herring, from St. Pierre. He requires squids for bait now; considers it the best bait. Would wait a fortnight to get squid rather than go with any other bait. Also considers it a great advantage to their Bank fishery to be enabled to procure ice and bait on this coast. Was in once before and obtained fresh caplin.

Ella May, of Provincetown, American banker, of 96 tons, Edward C. Mayo, master. Came in here for ice and bait. Has been nearly three months on the voyage with 14 men. Has on board about 800 qts. codfish, when cured, for their market. Left United States with clams for first bait. Considers it of great advantage to them to be able to come on this coast and procure bait. Considers the squid the most desirable bait at this season. Was in once before this and obtained fresh caplin.

Went on board of the American banking schooner S. R. Lane, of 72 tons, 12 men. Left the United States on the 13th April with clams for first bait. Has now on board 400 tubs codfish, equal to 1,200 qts. green. Came in here for ice and bait. Must get the squid, if possible; considers no other bait so good. Also considers it the greatest advantage to their fishery to be able to procure ice and bait here instead of going back to the States.

Olender, American banking schooner, 64 tons, 11 men, of Beverly, United States, Richard C. Heilar, master. Left for the Banks on the 25th April with clams for first bait. Has on board about 450 quintals codfish when dried. Came in here for a supply of ice and bait. Considers that the American banking fleet derive great advantage from being able to procure ice and bait here.

Leading Breeze, of Provincetown, a banker, 69 tons, A. F. Brian, master; requires ice and bait; something over two months on voyage with a crew of 11 hands. Left the States with clams for first bait. Considers squid the best bait to catch fish with. Also considers it a great advantage to them to be able to procure ice and bait here. Has about 650 quintals fish on board when cured for their market.

Q. When did you see the master of the Leading Breeze?—A. On the 23d of last July.

Q. And when did you see the master of the Speedwell?—A. On the 23d of last July.

Q. Did you hear any of the American captains say what number of American vessels frequents the Banks?—A. Yes.

Q. How many have been there during the present summer?—A. There has been a considerable difference in the number given. Some say it is 400, and others 600.

Q. You have heard the number of American vessels that were fishing on the Banks during the present summer given as 400 and 600?—A. Yes.

Q. Do any of the Newfoundland vessels ever go down to the United States waters to fish?—A. I never heard of any going there for that purpose.

Q. They have plenty of fish at home, close to their own doors, and they do not require to go farther away for them?—A. No.

By Mr. Foster:

Q. I want, in the first place, to understand the bait question a little more perfectly. You can use herring as bait earlier in the year than any other bait, I believe?—A. It is the only bait we can get until the caplin comes.

Q. And the herring lasts all the year through, while the caplin and squid are in season, though then they are not good bait as these other fish?—A. No.

Q. Do the Americans procure herring at Newfoundland?—A. Yes; on parts of it. This is not the case, I think, on the Eastern shore, but farther west I believe that they procure herring early in the spring.

Q. Where?—A. I think from Fortune Bay, along the Western coast.

Q. Do you know how they get these herring?—A. I believe that the Americans put a crew in a hired skiff, with the owner of the skiff, and then they haul the herrings.

Q. Then American sailors get into a Newfoundland boat, hired of its owner, and with the latter they haul the herrings on the shore; is not this the case?—A. It is not generally done on shore, though I believe that this is done in some instances. On a beach or in a sandy cove they haul the herring, but in other localities they are obliged to take the herring directly out of the seines on board the skiff.

Q. Is not the other the usual way?—A. It is the best way.

Q. Is it not the more common way?—A. I believe that it is.

Q. You do not understand that the Americans have any right to go on shore to catch fish?—A. No.

Q. How do they pay the owner of the skiff?—A. For the use of the seine and skiff and his services; I think they pay from £2 to £3—\$8, \$9, or \$10.

Q. Do not they pay according to the quantity caught?—A. Not when the American crew go and haul.

Q. How much do they pay for the use of the skiff?—A. They hire the skiff, man, and seine, I understand, for about \$10.

Q. For what length of time?—A. For a day, if bait is plentiful.

Q. They are always sure of getting enough bait in a day?—A. This is generally the case.

Q. Have you ever known of there being any scarcity of bait on the shore, of Newfoundland?—A. O, yes.

Q. When and where?—A. On the southeast part of the shore. They are sometimes in one day and out to-morrow, and then in again. Changes of weather may occur which would perhaps drive the herring off to sea; a breeze of wind might do so.

Q. Is any difficulty experienced in securing an ample supply of her-

ring in a day, in the right place, on some parts of the shore!—A. If one is in the right place, there would be no difficulty in doing so.

Q. Are herring found in great abundance about your shore?—A. This is not so much the case in the spring of the year in the parts with which I am well acquainted as at other times. I am not so well acquainted with the Western shore.

Q. Is the supply of bait in Newfoundland failing? Won't they be able to supply the Americans with it much longer?—A. I am not aware that this is the case.

Q. Is there not an inexhaustible supply of herring on the shores of Newfoundland? Cannot an almost indefinite quantity of them be obtained there?—A. This is the case on the Western shore, I believe, but it is not so on the Southeast coast.

Q. What is the part of the shore with which you are acquainted?—A. From Cape Saint Mary to Cape John.

Q. But you have obtained some information about the rest of the island?—A. I have.

Q. What I want to know is whether a great abundance of herring cannot always be procured on the coast of Newfoundland?—A. This was the case up to this last year. Last season there was a scarcity in this relation in Fortune Bay and other bays, but up to that time I never heard of there being any scarcity.

Q. They were for sale last year in nearly all the harbors, were they not?—A. I think that they could be bought any season.

Q. Do you mean to tell the Commission that last year there was a scarcity of herring bait on the shores of Newfoundland?—A. No.

Q. You do not?—A. No.

Q. You mean to tell them that there was plenty of this bait last year on the coast, and that this has been the case ever since the island was discovered?—A. Scarcely any one was looking for herring in the part of which I speak.

Q. What I want to know is whether there has ever been a time when any difficulty was experienced in getting an ample supply of herring for bait somewhere on the shores of Newfoundland?—A. I do not think that there ever has been such a time.

Q. Never?—A. Not to the westward; but I do not think that they are to be obtained during the early part of the season on the southeast coast.

Q. They are not everywhere every day, but they are somewhere?—A. O, yes.

Q. In accessible places, they are always procurable?—A. Yes, as far as my information goes.

Q. Is there not a great abundance of caplin on the coast?—A. Yes; a very great abundance.

Q. How are they taken?—A. With seines and in cast-nets.

Q. What is the cast-net?—A. It is used by the fishermen in small boats and punts. It is small and weighted with lead, and it sinks pretty quickly.

Q. Will you describe to the Commission what kind of fish the caplin are—their size, &c.?—A. It is a very small fish.

Q. Does it not grow to be pretty nearly as large as an average mackerel?—A. No, never; it is very small.

Q. Would you say that it would be about six inches in length?—A. About that. I dare say a good run of caplin would be about six inches in length.

Q. Is it salted for bait?—A. O, yes; but not for our fisheries.

Q. But there are people who take it for bait, and salt it!—A. Yes; the French particularly.

Q. The French never use it fresh!—A. Not that I am aware of.

Q. Is it not salted first in barrels, and taken over to the French islands?—A. Not that I am aware of.

Q. Is it not salted there?—A. Not that I am aware of. It is not put in barrels.

Q. They do not salt it!—A. They, perhaps, put a little salt on it, if they are going for a long trip; but otherwise they take it in the fresh state. The French salt it themselves.

Q. How do they take it to St. Pierre and Miquelon from your shore?—A. In boats.

Q. They salt it, and the French fishermen put on more salt!—A. The latter salt it according to their own liking. Sometimes, if they think they are going to make a quick run, they do not put salt on it.

Q. But they do salt it!—A. This would lessen the price of the fish.

Q. Don't they salt it sometimes?—A. I am not aware that they do.

Q. If this is not the case, how do you think that salting deteriorates the price?—A. Because the French would rather salt their own bait.

Q. When the French of St. Pierre buy of your people this caplin, do not the French salt the caplin themselves?—A. Yes.

Q. And do they not salt it so that it will keep a number of weeks?—A. Yes.

Q. Will it not keep, when so salted, as long as ten or twelve weeks?—A. Yes.

Q. And it is with this bait that the French pursue their fisheries?—A. Yes.

Q. I believe that these boats which carry four men are for a part of their time engaged in the business of carrying these caplin and squid to St. Pierre, and selling them there!—A. Yes.

Q. Do they thus carry on a considerable business?—A. Yes.

Q. How many boats should you think were engaged in taking caplin and squid across to St. Pierre and selling them to the French fishermen?—A. I am not at all aware what their number is.

Q. But you know that quite a number do so!—A. I have heard that the number is large.

Q. This is an important business to your fishermen?—A. Yes; but it is quite a lottery.

Q. What do you mean by that expression?—A. That only one out of twenty makes something at it.

Q. Why do they then continue the business?—A. Every one hopes that he will secure the grand haul and the first prize.

Q. What else could they do with these caplin, if they did not carry them over and sell them to the French fishermen?—A. I believe that they could be better employed.

Q. Do you not think that the people on your island have a right to choose their own employment?—A. I do not dispute that.

Q. What do they do with the caplin besides selling them to the French?—A. Nothing, that I am aware of, save use them for bait.

Q. Do they not use large quantities of them for manure? There is a part of Newfoundland where this is done very extensively, is there not?—A. Yes.

Q. Was I mistaken in thinking you said that they manured 36,000 acres with caplin?—A. No.

Q. And they use six barrels to the acre? I suppose that would be a fair average?—A. Yes.

Q. Is this not the cheapest manure that they can get for their land?—  
A. I suppose that it is.

Q. And what do you think that it is worth a barrel?—A. Half a dollar.

Q. There is no scarcity of caplins?—A. No.

Q. For six weeks it is found in immense quantities?—A. Yes.

Q. How is it procured; by seining?—A. Yes; the fishermen use cast-nets for the purpose.

Q. Do they usually go ashore and seine them like herring?—A. No.

Q. They use the seine from their boats?—A. Yes.

Q. And the caplin is taken by your own people, in your own boats, with the assistance of Americans?—A. Yes; in some cases. That is what I have always understood. The man who owns the seine is hired for the occasion, and he is assisted by the American crew.

Q. The supply of caplin is so great that in twelve or sixteen hours a vessel can obtain all she requires for bait?—A. Yes.

Q. Partly in the way you have mentioned, and partly by purchase?—  
A. Yes.

Q. Are caplin good to eat?—A. Yes; they are very nice indeed.

Q. But they do not keep?—A. They do not keep long. The sooner they are cooked the better.

Q. It would be a very valuable fish if it did not deteriorate so very fast?—A. Yes.

Q. Perhaps you will explain what kind of a fish the squid is?—A. It is a rather large fish with horns. The horns are some eight or nine in number.

By Hon. Mr. Kellogg:

Q. How many inches is it in length?—A. Nine or ten perhaps. It is a very dirty fish.

By Mr. Foster:

Q. It is not fit to eat?—A. Some people eat it. Spaniards do, and like it very much, but we do not eat it. I have never tasted a squid.

Q. It is a kind of cuttle-fish?—A. Yes.

Q. It has hardly any bones?—A. No.

Q. It is soft?—A. Yes.

Q. Your people sometimes use it whole or cut it up for bait?—A. They cut it up for bait.

Q. Is it also salted?—A. Yes.

Q. And how long can it be preserved when salted?—A. For two years, if desired.

Q. And would it then be good bait?—A. I do not say that it would be good bait, but it would be just as good as when a month old.

Q. You do not agree with the Frenchmen, who consider that they are as well off with salt as with fresh bait?—A. I do not.

Q. Squid can only be taken by jigging?—A. Yes.

Q. Why can they not be seined?—A. Seines are not allowed to be used by our legislature for the purpose.

Q. Could you seine squid?—A. Yes.

Q. But this is forbidden in your island waters?—A. Yes.

By Hon. Mr. Kellogg:

Q. Is the squid covered with scales or a skin?—A. It is covered with a skin.

By Mr. Foster:

Q. Are squid abundant when in season?—A. Yes; very abundant indeed.

Q. Are they found all around the island?—A. They are found all around the southern part of it.

Q. On what extent of it?—A. They are found in large quantities from Cape John to Placentia Bay.

Q. Is it not found on what I call the western shore of the island?—A. Yes.

Q. And all around the island?—A. I believe so.

Q. And if you are not very well acquainted with distant parts of the island it is, perhaps, because they are not resorted to?—A. I know the coast as far as Placentia Bay, and they are taken in large quantities from Cape John to this point.

Q. The boats which ply between your island and St. Pierre, and furnish the French fishermen with bait, take squid as well as caplin?—A. Yes.

Q. And do you know what the fair average price of squid is when caught?—A. It is regulated somewhat according to the demand. If a person reaches St. Pierre with it when two or three bankers are waiting for bait, he can get almost what he chooses for it. Others may not receive a quarter as much.

Q. Give us the highest and lowest prices you have ever heard were given for squid.—A. I think that as much as 30 francs a barrel have been given for it.

Q. That would be about \$6?—A. Yes.

Q. And what is the lowest price?—A. This would be about 2 francs. Some fishermen are not able to sell them at all.

Q. How about capling, if it is not salted?—A. It would not then keep in large quantities, I suppose, for more than three days.

Q. Do they sell squid by the hundred, as well as by the barrel?—A. I have only heard that this is done.

Q. Newfoundlanders have establishments where they keep herring and squid and capling for sale; is not this the case?—A. No.

Q. No?—A. I have never heard of it.

Q. Are there not people on the island who make it a business to sell these various kinds of bait to the fishing-vessels of all nations?—A. No; there are some persons who assist in furnishing them with bait, but it is not done otherwise to my knowledge.

Q. Is not what I mention a considerable business? Here is an advertisement which I picked up down at Gloucester. Did you ever hear of such a business as this being prosecuted on the island? Read it.—A. The notice runs as follows:

NOTICE.—Fishing-vessels coming on Newfoundland coast for bait will find Conception Bay the best place from April to October for herring, caplin, and squid. Also, a large supply of ice. By James Tucker, Broad Cove, south shore.

(Mr. Whiteway objected to this examination, on the ground that it could not be perceived on examination whether this notice came from Newfoundland.

Mr. Foster stated that he was acting wholly within his right. He understood that it was the duty of the Commissioners to receive all evidence that the representatives of either government saw fit to lay before them.)

WITNESS. No person would rely on such a thing as that notice.

Q. Have you ever heard of Broad Cove, on the south shore?—A. Yes, it is in Conception Bay.

Q. Did you ever hear of a man named James Tucker?—A. I have heard his name mentioned.

Q. What is his business?—A. I do not know.

Q. Who is he?—A. I know nothing at all about him, save that I have heard his name mentioned.

Q. Did you ever hear of the "Morning Chronicle" printing office.—A. Yes.

Q. Where is it situated?—A. At St. John's.

Q. Newfoundland?—A. Yes.

Q. You have seen matter that has come from there?—A. Yes.

Q. Does this notice look as if it had been printed there?—A. I could not say. I see the words "Morning Chronicle" printed at the bottom of it.

Q. Have you ever heard of Boyd & McDougal, commission merchants, Newfoundland?—A. Yes.

Q. Their advertisement runs in this way:

ICE! ICE! ICE!—Summer, 1877.—Boyd & McDougal, commission merchants, St. John's, Newfoundland.—In store a quantity of ice, which they are prepared to supply at a low price; also all kinds of ships' stores and fishing gear.

Q. Do they sell ice?—A. They have sold it for the first time this year.

Q. Have they an ice-house?—A. Yes.

Q. And they have just started in this business?—A. Yes.

Q. To whom do they sell ice?—A. To American bankers, I am told.

Q. And to anybody?—A. To anybody that will give their price.

Q. They are men engaged in business to sell ice, and they invite customers from all the world; no law exists prohibiting them from engaging in this business?—A. Not that I have heard of.

Q. Did you ever hear of George F. Christian, of Grand Bank, Fortune Bay?—A. No.

Q. Did you ever hear of James H. Feltmate & Sons?—A. No.

Q. The following advertisement also appears:

NOTICE! ICE and BAIT.—The undersigned begs to inform all interested in the Bank fisheries that he has for sale 1,000 tons heavy clear ice, at very low prices, particularly to halibut-catchers. He is also prepared to bar in herring during the months of April, May, and June, in order to deliver at a moment's notice. Drafts taken. All necessary supplies obtainable upon reasonable terms.—C. S. Fowler, Placentia Bay, Newfoundland.

Did you ever hear of C. S. Fowler?—A. Yes.

Q. Is he engaged in the business of furnishing ice and bait?—A. I have heard so. He is established about eighty miles from where I live.

Q. Did you ever hear that he furnished bait?—A. No; I have only heard that he supplied ice. He is a telegraph-operator.

Q. Did you ever hear of the Heart's Content Ice Company, Trinity Bay, Newfoundland?—A. No.

Q. Are you not familiar with Trinity Bay?—A. No.

Q. Do you know John Moore, of Heart's Content?—A. No.

Q. Do you know Jillard Brothers, of Harbor Grace?—A. No.

Q. Did you never hear of them?—A. Yes, I have.

Q. What did you ever hear of them?—A. I have heard that they were engaged in keeping a shop; nothing more than that.

Q. They do business at Harbor Grace?—A. Yes.

Q. Do you know where Heart's Content is?—A. Yes.

Q. Is it a good harbor for bait?—A. I do not know that. I was never there.

Q. Has there ever been a time when you have known that your people were forbidden to sell bait and ice to the French or Americans?—A. No.

Q. Have you ever known when either the French or the Americans

were forbidden to come to your island and buy of your merchants?—  
A. No.

Q. Do the French in fact ever come to Newfoundland and buy bait?—  
A. They do, occasionally.

Q. But very rarely?—A. Very rarely, indeed.

Q. Your people usually carry it to them?—A. Yes.

Q. And do you agree with the statement which we have heard, that it is only within the last four or five years that the Americans have begun to come to your island for bait and ice?—A. I do.

Q. Have you ever been to St. Pierre?—A. Never.

Q. You told Mr. Whiteway, I think, yesterday, that a large proportion of your people depended for their living on what they got out of the sea?—A. Yes.

Q. And that if the fisheries failed their all would be gone?—A. They have no other resource.

Q. Have they any means to obtain money to buy what they require to purchase save by the sale of fish?—A. That is their principal means for so doing.

Q. Do they raise sufficient agricultural products for their own use?—  
A. They scarcely do.

Q. Then to secure all those things which a family need, with the exception of fish and some potatoes, and oats, perhaps, they must sell fish?—A. Yes.

Q. Now, is it true that the price which the merchants of Newfoundland will pay for fish is fixed at the beginning of the season by an agreement made among them?—A. No.

Q. Is it so fixed at some time in the season?—A. I do not know that such an understanding exists, but at the same time an understanding may exist at a late period of the year as to what they think would be a fair and reasonable price at which to credit their dealers for fish; but the price is not guided by this. A person who wants fish will buy them at any price he thinks he can afford to give. As a general rule there is no price fixed.

Q. Is there not an agreement entered into between merchants as to the price at which they will credit the boat-fishermen for fish?—A. Yes. There is a fixed price, but it is not a price agreed on. The fishermen may get an advance on it.

Q. Is it not the price agreed on by the merchants; do they not fix the price?—A. No.

Q. Did you not say that they had an understanding with each other?—  
A. I think this might be the case at a later period in the season, but still the merchants might be obliged to give something more for the fish and allow the persons who supply them with fish the benefit of such an advance.

Q. The boat-fishermen are debtors for their outfittings to the merchants from the beginning to the end of the season?—A. Yes.

Q. The estimate was made that one quarter of the number of boat-fishermen at the end of the season would still be indebted to the merchants, so that the latter would have to credit them for what they lived on during the winter; do you agree with that statement?—A. There is always a good deal of business done in that kind of way, but there are a great many exceptions to that rule. Some of the fishermen are quite independent and able to make bargains for themselves.

Q. Is not a large proportion of these men who fish in boats constantly in debt to the merchants?—A. No.

Q. With what proportion do you think that this is the case?—A. I should say, perhaps, one-third.

Q. And these fishermen bring in their fish and deliver them to the merchants to whom they are indebted at the time, and to whom one-third of their number are indebted all the year round, and those merchants agree upon the price at which they will credit the fish to their debtors; is not this the case?—A. No.

Q. Has not this been the fact from the earliest history of the island?—A. A man may be so indebted this year, and next year he may be in perfectly independent circumstances. Because a man is in debt this year it does not follow that they will be in debt next year. If he has a favorable season he pays it off, while, perhaps, in another locality another man may not be successful and get into debt.

Q. Is this not an old practice of the merchants, and is it not an old grievance, which has been complained of and remonstrated against by the boat fishermen of Newfoundland from the earliest settlement of the island?—A. What?

Q. That they were in debt to the traders, and that the traders took all their fish and paid them what they chose for it?—A. I do not think that this is true.

Q. We will go back to the year 1800, and in this relation I will read the following from a memorial presented by the fishermen to the surrogate in Placentia Bay:

Your memorialists beg leave to inform your worship that the merchants of this place are long in the habit of charging such prices as best suits themselves on the boatkeepers, and likewise affixing prices to their fish and oil, without allowing them, the boatkeepers, the common right of mankind, they being considered as persons having no will of their own. Your memorialists only wish to have an equitable price set on goods, and also in the produce of their fishery, and to be regulated in an equal manner with the boatkeepers in John's and its neighborhood, and not considered as slaves. Your memorialists most humbly crave your worship's particular attention to this their complaint, and, as in duty bound, will forever pray.—Placentia, August 19, 1800.

Did you ever hear of that?—A. No.

Q. Did you ever hear of the governor of Newfoundland referring to it in an official communication?—A. No.

Q. I will read the following from such a communication:

To remedy this evil will be no easy matter to devise, but one point seems clear, and this is, that unless these poor wretches emigrate they must starve, for how can it be otherwise while the merchant has the power of setting his own price on the supplies issued to the fishermen and on the fish which these people catch for him? Thus we see a set of unfortunate beings working like slaves and hazarding their lives, when, at the expiration of their term, however successful their exertions, they find themselves not only without gain, but so deeply in debt as forces them to emigrate or drives them to despair.

Q. Did you ever hear of that document?—A. No.

Q. Do you know enough about the history of Newfoundland to be aware whether it used to be true or not?—A. It never came within my experience, never. I never knew anything of the sort to exist.

Q. You do not think it would be any advantage to the poor fishermen who are in debt for their supplies to have an opportunity to sell for cash to all comers, instead of having only half a dozen merchants to deal with?—A. I know as far as my experience goes, since I have been connected with the issue of fishery supplies, that whether the season was good or bad, the fisherman always received his winter supply, and sufficient to live on.

Q. Did you hear of a proclamation by Governor Gower on that subject, as follows:

Whereas I am informed that a practice has prevailed in some of the outports of this island among the merchants, of not informing their dealers of the prices of the supplies advanced for the season, or the prices they will allow for the produce, until they are in possession of the planter's voyage, whereby the latter are exposed to great impositions; the merchants are hereby required to make known to their dealers before the 15th day of August, in every year, or at the time of delivery, the prices of provisions and other commodities sold by them, and the prices they will give for fish and oil, and to fix a schedule thereof in some conspicuous part of their respective stores; and in case any merchant shall neglect to comply with this useful injunction, and a dispute shall arise between him and any dealer respecting the prices charged on such merchant's account, and such dispute shall be brought into a court of justice, the same shall be determined according to the *lowest* price charged for such goods and the *highest* price given for fish and oil by any other merchant in that district. And the judge of the supreme court, the surrogates and magistrates, are hereby strictly enjoined in all such cases to govern themselves by this regulation.

Given under my hand, September 12, 1805.

E. GOWER.

A. I never heard of such a thing.

Q. I want to know whether you are prepared to tell the Commission that it is not a benefit to the fishermen of the Island of Newfoundland to have an opportunity to sell for cash to all the world!—A. Well, of course, trade is considered to be mutually beneficial, but in this case it is not.

Q. Explain, please.—A. I will explain it in this way. If a man is supplying and catching bait, he may lose more than double what he makes by doing so; while if he was catching fish he would put very much more money in his pocket.

By Mr. Dana :

Q. In whose pocket!—A. If he was catching fish it would go to the merchant to his credit, but if he gets cash he generally puts it in his pocket and makes a very bad use of it.

By Mr. Foster :

Q. You are a merchant!—A. Yes.

Q. How many of you are there in St. John's that have such large amounts of capital? Name the chief houses.—A. I cannot boast of being very rich myself. Job Brothers & Co. is a large and extensive house; there are also Walter Grieve & Co., J. & W. Stewart, Baine, Johnstone & Co., P. & L. Tessier, and Bowring Brothers. There are several others, but I cannot recollect the number exactly. A great many wealthy houses are there established.

Q. And you think it an evil and misfortune that, under the Treaty of Washington, these poor fellows have an opportunity to sell their fish where they please, for money!—A. I do.

Q. They had better be under the paternal care of the merchants of St. John's!—A. I think so.

By Mr. Whiteway :

Q. You have been asked respecting the mercantile establishments of St. John's; are there not merchants also established at Toulouguet, Tilt Cove, Fogo, Green's Pond, and King's Cove and Bonavista!—A. Yes.

Q. And at Trinity and Catalena!—A. Yes.

Q. And Harbor Grace!—A. Yes.

Q. And at Brigus, Carbonear, St. John's, Renews, Ferryland, and Fermuse!—A. Yes.

Q. And on Placentia Bay and Fortune Bay; there are large establishments on Fortune Bay!—A. Yes.

Q. And away between that and Cape Ray?—A. Yes. At Hermitage Bay, Burgeo Channel, and other places.

Q. Then, as a matter of fact, the mercantile establishments are distributed along the coast between Cape Ray, proceeding eastward, and Cape Race, and thence northward until you come to Cape John?—A. Yes.

Q. Did you ever hear of any combination among all these merchants to fix the price of fish and oil, or any of the produce of the country?—A. I never did.

Q. Never in your life?—A. No.

Q. Do you believe that any such combination ever took place?—A. I do not.

Q. Could there possibly be such a combination?—A. No. It could not be accomplished.

Q. Did you ever hear of any combination between the merchants of two adjacent towns to fix the price of fish?—A. No.

Q. Nor of produce?—A. No; never.

Q. Harbor Grace and St. John's are, I believe, the two principal towns on the island?—A. Yes.

Q. Did you ever hear of a combination existing between the merchants of these two towns?—A. No.

Q. Are there as large mercantile establishments in Harbor Grace as there are in St. John's?—A. Yes.

Q. Speaking on your oath, does any such combination as a matter of fact exist?—A. No such thing has any existence as far as I am aware. There has never been anything of the sort in my time, during the last forty-five years, as far as my knowledge goes. I have never heard of such a thing.

Q. I suppose that in St. John's, as in all other places, mercantile men talk over the state of the markets in foreign parts, and its effect on the price of fish and other things in foreign markets, and name their prices, and that it is generally understood what amount will be credited to the dealers?—A. Yes.

Q. And is it not a fact that the dealers do sell their fish to others for cash notwithstanding the circumstances that they are indebted to the merchant who furnishes their supplies?—A. It is.

Q. Is not that transaction one of daily occurrence?—A. Yes.

Q. And is it not frequently the case that the merchants say to the dealers, "I will credit you so much for your fish, and if you can get more for it go elsewhere and obtain it"?—A. Yes.

Q. And do they not frequently go elsewhere and get it?—A. They do; I have known several such instances occur within the last year.

Q. And does there exist on the island in any way such a servitude as has been attempted to be set up here?—A. No; such a thing could not be done.

Q. Is it not frequently the case that actions are taken between merchants and dealers, and that the accounts are then submitted to juries? Is not this the regular mode of settling disputes between the merchants and the dealers?—A. Yes.

Q. In 1805 I believe, from what we learn from history, that those matters were settled by what was termed surrogates instead of juries?—A. Yes.

Q. I believe that before your time these surrogates were done away with?—A. Most certainly. There were no surrogates when I came to this country.

Q. And during your knowledge of Newfoundland for over forty-five

years the jury system has been in existence!—A. Yes; this has been the case since I came to the country.

Q. Is it not the case that juries, as a general rule, are composed of these very fishermen and dealers?—A. Yes.

Q. Would it not be impossible with our present jury system to get a jury of merchants together?—A. It could not be done.

Q. Your attention has been called to an advertisement or notice—you have never seen it before?—A. Never.

Mr. WHITEWAY. I wish it to be distinctly understood, and by me admitted before this Commission, your honor, that as regards any newspaper from Newfoundland, I am ready and willing to admit and desirous of admitting it here. Any notice appearing in any newspaper of Newfoundland, I am perfectly ready to admit.

Q. As a matter of fact I believe that a number of persons living along the coast of Newfoundland have built ice-houses for the purpose of selling ice to the Americans?—A. Yes; I have heard of it.

Q. This has been the case since the Washington Treaty came into operation?—A. Yes.

Q. And they sell this ice in order to realize a profit on the transaction?—A. They do.

Q. And these persons who have ice-houses are not the persons who take the bait?—A. No.

Q. Then you can easily understand how Mr. James Tucker could advertise that there was a quantity of bait in Conception Bay when he has an ice-house at Broad Cove and he desires to dispose of ice?—A. Yes.

Q. So far as the sale of ice is concerned, it is a profitable trade—a limited profitable trade to Newfoundland?—A. So far as that goes, I should say it is.

Q. A question was put to you to the effect that American fishermen had no right to land upon the shore to haul in the seines for herring or caplin?—A. Yes.

Q. They have such rights, I believe, by the treaty now; they do it at all events?—A. I understood that the treaty did not go as far as that—that they had not the privilege of hauling seines on land.

Q. As a matter of fact, they do?—A. They work on shore.

Q. Hauling in the seines on shore?—A. Yes.

Q. Sometimes they haul the seines in on shore, and at other times they surround the fish with the seines and take out the fish with boats?—A. Yes. I understand they have not the right to land for that purpose; I don't know whether I am right or not.

Q. An impression was endeavored to be made with regard to 36,000 acres of land said to be under cultivation, that it was entirely manured by caplin?—A. Yes.

Q. I believe there is herring also used with caplin?—A. Yes; principally caplin, I think.

Q. But herring also?—A. Herring also; besides there are other manures as well.

Q. Lobsters are sometimes used?—A. Yes; and squids.

Q. Your calculation was based upon the principle of there being six barrels of fish of some description used upon the land?—A. Yes.

Q. Not altogether caplin?—A. No; principally caplin, I think.

Q. You stated that occasionally Newfoundlanders lightly salted their bait if they anticipated a long trip?—A. Yes; when taking bait to the French.

Q. Is not that a very rare occurrence?—A. Very rare indeed.

Q. The usual course of practice is to take the bait fresh, convey it to

Saint Pierre, sell it to the French, who salt it and use it on the Newfoundland Coast!—A. Yes.

Q. You were asked as to the abundance of bait upon the coast; such is the case, is it not, that bait is abundant on the coast?—A. Yea.

Q. But what is the effect, supposing in any particular part of the coast the coves are swept and thrashed of a large quantity of bait, upon the fishery in that immediate neighborhood?—A. A bad effect, I should say; it would have a bad effect.

Q. In what way?—A. Of course, by driving the bait out of the coves you drive the fish out, and the fish would leave. It is the bait which attracts the fish and brings it to our shores.

Q. As described by you?—A. Yes; there cannot be a question about that.

Q. Between Cape Mary's, you say, and Fortune Bay, inclusive, there is always an abundance of herring?—A. Yes.

Q. And from Cape Race northward there is always an abundance of herring?—A. Yes.

Q. But not so abundant as within the former limits?—A. Not for a portion of the ground. From Cape Race to Cape Spear they may not be so plenty. But go north from that again, and there is generally plenty in the bays. There is plenty in Conception, Trinity, Bonavista Bays. Bay of Notre Dame is always full of herring at the time I have named.

Q. As I understand it, between Cape St. Mary and Fortune Bay, inclusive, there is herring in abundance all the year round?—A. Yes.

Q. But between Cape Race and northward from that as far as Cape John, there is an abundance during the summer season, between May and December; that is the case?—A. That is the case.

By Mr. Foster:

Q. I will read some questions and answers that have been made to them, and I will ask you whether you understand them to be true or not:

Q. But it is not necessary to suppose a case where both the rival houses behave dishonestly, and the man too. I am supposing that all behave honestly. Each merchant must make all the profit he can, and must hold out such inducements as are proper. The fisherman does not want to cheat anybody, but only to pay a reasonable price, and no more than that?—A. I do no see that it would be an advantage to the fisherman, for the reason that the prices are generally fixed for the whole season, and every merchant charges about the same price.

Q. Is that true?—A. I think it is pretty near the thing.

Q. So that if there are two houses in the same place rivals, they would charge the same price?—A. They would not compete by underselling. Their only competition would be in securing the best and most reliable men.

Q. Is that true?—A. I don't think they consult each other, but there is an understanding.

Q. What do you mean by saying an "understanding"?—A. That is as to the price of fish; it is never binding on the others. You find the merchants in St. John's and other places have different prices.

Q. Do you think that the principle or practice which prevails pretty largely elsewhere, of trying to undersell, does not apply to Newfoundland?—A. Not to any great extent. Neither does it in the purchase of the produce, for they all meet and decide what they will give. They fix the price.

Q. Is that true?—A. I don't think it is.

Q. Then the merchants, as a body, act upon the fishermen, do they?—A. They decide what prices will be given.

Q. Is that true?—A. It is not true.

Q. They expect all the merchants to come up to that?—A. Well, they generally do.

Q. You talked about this particular subject with Judge Bennett, since he testified?—A. Not since he testified. We have talked over matters because we have been living at the hotel together, but nothing more. I have said nothing more than any man in Newfoundland would tell you.

Q. You contradict the answers I have read to you?—A. In some particulars. I could not say what is the practice in some parts of the island, but what I have stated is so far as my experience goes.

Q. What is the distance from Saint John's to Harbor Grace?—A. Forty-five miles,

By Hon. Mr. Kellogg:

Q. I want to ask if any part of Labrador belongs to Newfoundland?—A. I believe so.

By Sir Alexander Galt:

Q. You referred to quantities of fish when cured, taken by certain Americans; will you tell me what is the difference between the mode of curing with you and their mode of curing?—A. Yes. Our mode of curing is thoroughly drying the fish; it requires four or five weeks; it depends a good deal on the weather, but not less than four weeks. The American fish is cured in two or three days. Their fish is more heavily salted than ours.

Q. Will their fish keep longer than yours?—A. It will not keep so long; it will not keep in a warm climate at all. It is sent away, packed in boxes, into the interior of America, whereas we pack it for long voyages, and it has to be dry and hard.

#### No. 17.

JAMES OLIPHANT FEASER, 50 years of age, residing at Saint John's, Newfoundland, an official in the board of works department, Newfoundland, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Whiteway:

Question. Have you an intimate acquaintance with the fisheries of Newfoundland?—A. I have a practical knowledge.

Q. Whence is that knowledge derived?—A. From having served my time as clerk in shop and office in my early years, from having been engaged in the supplying and fishery business upward of twelve years, and from general observation.

Q. Did your connection with the fishery business in Newfoundland entail on you frequent visits to various parts of the Island?—A. Yes, it did, particularly between Placentia and Trinity Bays, and of late years to portions of the coast between Cape Ray and Bay of Notre Dame.

Q. That is from Cape Ray to Cape Race, thence to Notre Dame Bay?—A. Yes.

Q. Where do the parties reside who prosecute the fishing on the coast of Newfoundland?—A. They reside all along the coast in the various inlets and harbors and coves, in small communities, small settlements.

Q. Within what distance from the shore is the fishery prosecuted?—A. It is prosecuted generally within a mile and a half of the shore; never over three miles, excepting in very rare instances, where a small

fishery is carried on on banks off Cape Ballard, near Cape Race, and Mistaken Point, in the same neighborhood, and in the neighborhood of Saint Pierre. I forget the name of the bank.

Q. What is your estimate of the quantity of fish taken by the people of Newfoundland between Ramea Islands and Quirpon outside what may be termed the three-mile limit?—A. A very small fractional part is taken—I am certain not more than 6,000 to 8,000 quintals—outside the three miles, as far as I am informed or ever heard.

Q. Then the fishery of Newfoundland, as practiced by Newfoundlanders, is an inshore fishery?—A. It is to all intents and purposes.

Q. Have you any knowledge of the bank or deep-sea fishery?—A. Not a practical knowledge.

Q. It has not been prosecuted since your day in Newfoundland?—A. It has not been prosecuted by Newfoundlanders for upwards of 35 years I know, except this year, when six vessels were fitted out, and last year when four were fitted out. That fishery has been entirely in the hands of the Americans and French, and a very small number from Nova Scotia. It was formerly prosecuted extensively by Newfoundlanders.

Q. Upwards of 35 years ago?—A. Yes.

Q. And previous to that from the west coast of England?—A. Yes, so I believe.

Q. Now, as to the inshore fishery of which you have spoken as being prosecuted by Newfoundlanders, with what appliances and in what way is it carried on?—A. It is prosecuted with jigs, hook and line, cod seines, baltows, and cod nets. I think that embraces the appliances.

Q. I speak of the cod fishery.—A. Yes, the cod fishery.

Q. The nets are set off from the shore?—A. The cod seine is also a net. The cod net is set in and out from the shore. The fish mesh in it as they traverse the shore.

Q. At what season of the year is the cod seine used?—A. The cod seine is used during the presence of caplin on the coast—during what we call the caplin school—when the fish are attracted to the shore, and are very abundant. The cod seine is used to inclose them, and they are taken from such seines into skiffs.

Q. Supposing caplin to have been much disturbed on the coast, could the cod seine be much used to advantage, or are the codfish disturbed also?—A. The cod seine is not used then. The fish go into deep water. There is no way in which the cod seine can then be used.

Q. The cod seine is only used during the presence of the caplin school, and is a great advantage when caplin is quite close in along the shore?—A. Yes, and the fish attracted to it.

Q. We have heard that herring, caplin, and squid are the bait used by Newfoundlanders?—A. Yes, they are.

Q. When does herring come in to the eastern coast?—A. It strikes in between Cape Race and northward. We count upon it coming in April and it continues there till well on in December.

Q. That is on the eastern coast?—A. On the coast between St. Mary's Bay and from that north.

Q. From Cape Race north to Quirpon?—A. Yes.

Q. It strikes in in April and continues to December?—A. Yes.

Q. During all that time there is abundance of herring?—A. Abundance of herring. In Placentia and St. Mary's Bays it is to be had in great abundance in the spring, but the great home of the herring is certainly Fortune Bay, where it is to be had in immense quantities during the whole winter.

Q. Herring is the bait first used by the fishermen in the spring ?—A. It is.

Q. And then caplin come in about when ?—A. From 5th to 15th June.

Q. Continuing till when ?—A. During five or six weeks, sometimes longer; but that is the caplin season.

Q. Squid come about when ?—A. About 15th to 20th July.

Q. And continue till when ?—A. Sometimes till November—the squid season lasts till November—but generally to the end of October.

Q. So there is always a sufficiency of bait on the coast ?—A. There is always sufficient bait on the coast.

Q. In what craft is the cod fishery carried on by the Newfoundlanders ?—A. It is carried on in small punts with two hands, in cod-seine skiffs, which attend on cod-seiners, in small jacks carrying from 5 to 10 quintals, partially decked; and in large boats, decked, of from 15 to 35 tons.

Q. Will you describe where these several classes of craft respectively fish ?—A. The smaller class fish near the shore. The cod-seiners very often fish among the small craft. The small description of jacks fish pretty much on the same ground, but sometimes start a little out. The large craft are enabled to follow the fish from place to place, wherever it may be most abundant. They all fish pretty much on the same ground.

Q. Could you give the Commissioners an approximate idea of the number of the different classes of boats—the number in each class ?—A. It would be impossible for me to do so, because a very large proportion of the smaller boats assist the larger boats, and enable them to work the voyage, by setting out nets, procuring bait, obtaining wood and water, transporting stores from the shore to the vessels, and so on. I could not give you an estimate.

Q. Do the large craft you have spoken of go down to the Labrador coast to fish ?—A. A considerable portion of them do.

Q. They prosecute the fishery for a short time in Newfoundland and then go down to Labrador ?—A. They do. They catch a portion of the early fish on the Newfoundland coast, in which case they land the Newfoundland-caught fish, and leave them to be made during their absence on Labrador.

Q. By the census return, which has been put in, I see there are 14,653 termed large boats, from 4 to 15 quintals; are these what you term punts ?—A. They are punts, cod-seine skiffs, and the small description of jacks.

Q. These are all engaged in the cod-fishing ?—A. They are, as I have stated.

Q. Some in attendance upon other boats ?—A. Yes; a large portion of them are in attendance upon larger boats.

Q. Are you aware as to whether United States codfish have been imported into the island of Newfoundland ?—A. I am aware that they have been. I learn it from personal observation. I have seen fish landed, and been informed generally by American captains that they do now sell their small fish in ports of Newfoundland.

Q. Are you aware, from your own knowledge or information, as to what has been obtained by them for the small fish ?—A. The prices, as stated to me by American captains and purchasers in Newfoundland, range from 7s. to 11s. per quintal of 112 pounds.

Q. Those small fish heretofore were thrown overboard ?—A. So American captains informed me. They threw overboard all fish under 28 inches in length as taken from the water, and 22 inches as split.

Q. Have any American captains informed you as to the quantity of small fish heretofore thrown overboard by them ?—A. Yes.

Q. What have they said to you?—A. A number of American captains gave me their ideas and sentiments. I think an average of about 250 quintals for every two trips made by bankers would be about the quantity they gave me to understand would be thrown overboard. An average of 250 quintals for every two schooner loads.

Q. Two cod-fishing voyages?—A. Yes, two loads.

Q. That would be 125 quintals a voyage?—A. Yes.

Q. Have you from any source whatever, and, if so, from what source, any knowledge as to the number of American bankers this year engaged in prosecuting the deep sea fishing on the Banks of Newfoundland?—A. The only knowledge I have on that question is that I derive from two sources—from our own people resident on the coast and from American captains. I am quite sure in my own mind, from the information obtained from our people, that there are 500 of these vessels baiting on our shore. I assert on the information of American captains, one particularly; I will only quote him.

Q. Who is that?—A. Captain Campbell, of the Caroline, belonging to Gloucester.

Q. What did he state to you?—A. He gave me particulars of the places where the vessels were fitted out, American bankers.

Q. State, if you please, what information he gave you on this subject.—A. He told me there were from Gloucester, 700 vessels; Beverley, 75; Marblehead, 30; Plymouth and Kingston, 30; Provincetown, 200; from Dartmouth, Eastport, Portland, and Booth Bay he could not tell. The whole number he gave was 1,035. He felt sure, he said, that three-fourths of those vessels all fish upon the Banks off Newfoundland, and bait on our coast.

Q. He informed you that three-fourths of those vessels fished on the Banks off Newfoundland and in our bays and coves?—A. Yes.

Q. Have you recently, and during this summer's fishing season, visited many places on the coast of Newfoundland other than St. John's?—A. I have, recently, between Cape Race, New Harbor, and Trinity Bay, and before that between Ramea Islands and St. Mary's Bay.

Q. Did you observe American fishing-vessels during the summer on our coast and in the coves and harbors?—A. I did this summer, almost everywhere I went, in great numbers.

Q. What were they doing?—A. A number of them were at anchor in little coves and harbors, a number were under sail coming in and going out, and obtaining fresh bait and ice.

Q. How did they obtain the ice?—A. They purchased it.

Q. From the Newfoundlanders?—A. Yes.

Q. How did they obtain bait?—A. They obtained it partly by purchasing it from our people and partly by catching it themselves.

Q. So far as your information went, and your own observation, would they obtain an ample supply of bait?—A. O, yes. Captains informed me they obtained a good supply of bait.

Q. Have you formed any opinion as regards the effect of supplying bait to Americans, as you have described, upon the coastal fishery of Newfoundland?—A. Yes, I have. Its effect is very injurious; I have no doubt upon that question. To drive the bait away from the small coves resorted to by our small fishermen makes codfish scarce there, and they cannot follow it. When the bait leaves the shore, as a matter of course the fish will leave it also. So these fishermen are in great straits, very often waiting day after day for a supply of bait to renew the fishery.

Q. Then the effect would be that the driving away of the bait or disturbing of the bait would cause a variation in the fishery, that instead of a continuous fishery there would be a variable fishery?—A. Certainly. The codfish would leave the coast, or little harbors and places where our men are accustomed to fish, and would not return for a few days, not until the bait returned.

Q. Do you consider it an advantage to Newfoundlanders to have the privilege of selling bait to American fishermen—a real, substantial advantage to the colony?—A. Traffic is generally profitable on both sides, but in this case it is not so; the benefits are almost wholly on one side.

Q. How is that?—A. Those engaged in collecting bait for the Americans lose more than they get for the little bait they sell to American fishermen.

Q. How is that?—A. If they were to follow their usual vocations of the fishery I am quite certain they would obtain a larger amount of value by pursuing the cod fishery than the little they get from their dealings with the Americans in bait. It is an absolute nonentity to our fishery, except for the injury it does.

Q. Upon the whole, then, you think that the sale of bait to American fishermen and their taking bait on the coast are seriously detrimental to the fisheries generally?—A. I am very well convinced upon that point. If it is detrimental to the fisheries it is also detrimental to the fishermen.

Q. According to Captain Campbell it would appear three-fourths of that 1,000 American fishing-vessels fish on the banks, bait on our shores and land codfish there, 250 quintals for two trips; have you figured up the amount that would make in a season of small fish sold by Americans to our people?—A. 175,000 quintals, say for 700 vessels, at \$2, equal to \$350,000.

Q. That is according to Captain Campbell's statement, that 250 quintals of small fish would be caught, probably, upon every two bank-trips?—A. It is upon information derived from Captain Campbell and other American bankers.

Q. You don't mean to say that quantity of fish is sold on the coast now, from your own information?—A. I cannot say it is, but I have been informed that American captains intend to sell it hereafter instead of throwing it away.

Q. Have you been informed, also, that they do sell it now?—A. I have been informed they do sell a large portion. I cannot tell what quantity.

Q. Have you from American captains received at any time any information as to the advantages or benefits of their being able to bait upon the Newfoundland shores?—A. Yes; masters of American vessels have informed me it would be impossible to prosecute the bank fishery now if deprived of facilities to bait on the Newfoundland coast; that formerly they could depend on a limited supply of fresh squid on the banks, but in later years—latterly—it was unreliable, and it was not to be had.

Q. Formerly they could rely on getting a certain quantity of squid on the banks, but not so in late years?—A. Not so in later years.

Q. Do you know from information derived from American captains as to what substitute they used upon the banks for the bait of herring, squid, or caplin?—A. Yes; American captains informed me they used clams and pogies, and what they call shack.

Q. What is shack?—A. They explained further that shack was cod roe and halibut. That that was the bait they formerly used, but this

bait would not catch fish as fresh bait would. We know that is true. Salt bait will not catch fish equally as well as fresh bait.

Q. Was the shack salted?—A. Yes.

Q. I believe you took a number of affidavits from various parties along the coast of the Island of Newfoundland in regard to this subject?—A. I did.

Q. You are duly authorized to administer an oath?—A. Yes.

Q. Were your services retained by the government in Newfoundland for the purpose of visiting the different parts of the island, between Ramea Islands and Bonavista Bay?—A. Yes, they were.

Q. For the purpose of eliciting information from the people?—A. Yes, with respect to this inquiry.

Q. Did you visit a great number of coves and settlements and parties between these two points to which you have referred?—A. A great number.

Q. Did you take a number of depositions from them?—A. A considerable number of depositions.

Q. Some in each cove?—A. I cannot say I visited every settlement.

Q. Generally along the coast?—A. Generally along the coast.

Q. Were these depositions the result of questions put by you?—A. Yes; they were answers given to questions I put.

Q. Any prompting on your part as regards taking the depositions?—A. I did not prompt.

Q. Why?—A. The people did not require to be prompted. They were as much interested in the matter as I was, and as ready to give information as I was to receive it.

Q. Then these depositions contain the simple statements of those parties in reply to questions put by you?—A. They do.

Q. You were a member of the legislative council of Newfoundland?—A. I was.

Q. For several years?—A. Yes.

Q. You are not so now?—A. I am not.

Q. You have an intimate knowledge of the statistics of the country generally?—A. I have a general acquaintance with them.

Q. Have you made an estimate from the customs returns and general statistical information available to you of the value of the fish taken by the people of Newfoundland between Ramea Islands, on the southern coast, and Quirpon, on the northeast point?—A. I consider that the quantity of fish taken on that coast is from 900,000 to 1,000,000 quintals per annum.

Q. Judge Bennett has stated that he considers about 15,000 men are employed in taking that fish?—A. He has come pretty near the mark, I think. I have gone carefully into the statistics with regard to population, and I find 15,500 odd are engaged in prosecuting the cod fishery between these points.

Q. That is, in taking fish?—A. In catching fish; 15,524, I think, is pretty nearly the number engaged.

Q. You have calculated it most carefully?—A. I have taken the census return and I find the number of fishermen catching codfish in Newfoundland between Ramea Island and Quirpon as follows:

District Burges and L. Poile.....	910
Fortune Bay.....	1,134
Burin .....	1,707
Placentia, St. Mary's .....	2,956
Ferryland .....	1,602
Twillingate Fogo.....	1,165

District Bonavista .....	1,463
Trinity .....	1,484
Bay de Verde .....	844
Harbor Grace .....	333
Port de Grace .....	668
Harbor Main .....	613
St. John's East .....	80
St. John's West .....	565
	15,524

That is pretty nearly a reflex of the men fishing on the shore of each district in the island.

By Sir Alexander Galt:

Q. Do the same men cure the fish?—A. The catchers do not cure the fish.

By Mr. Whiteway:

Q. There is a large number of other people engaged in curing the fish?—A. A large number.

Q. Have you made an estimate of what quantity of fish is taken on the Labrador coast on an average?—A. I believe that the annual catch in Labrador, taking one year with another, is about 400,000 quintals.

Q. How many people are engaged there in catching fish?—A. About 8,500 in catching fish on the Labrador coast.

Q. Some fish for a little time in Newfoundland and then go down to Labrador to fish during the rest of the season?—A. Yes.

Q. Do you know anything of the number of persons who leave Newfoundland for the Labrador fishery every year?—A. I could not make up any statement, because it occasionally happens that whole households go down with the heads of families—shut up their dwellings on the shore and go down to Labrador to spend the summer—the whole family in many cases. In addition to these a large number are engaged for the purpose of making fish—coopers and servants to work the fishery. I could not state the number.

Q. It has been stated that about \$1,000,000 is a fair estimate of what is consumed by the people on the coast of fish and fish products; what is your opinion?—A. I think that is a very fair estimate.

Q. Do you think it is over and above that?—A. It is pretty nearly the amount that is consumed. I conclude there are 180,000 quintals of cod-fish used, which, at \$4 per quintal, would amount to \$720,000. I conclude that 150,000 barrels of herring are used, which, at \$1 per barrel, would amount to \$150,000. For bait, of which there is a very large quantity used, and for agricultural purposes, I believe there are \$165,000 worth used. That is a total of \$1,035,000. I think it is very correctly stated.

Q. This estimate is made up after careful consideration and observation, and having due regard to the habits of the people and surrounding circumstances?—A. Yes; it has been so made up.

Q. When was it that the Washington Treaty came into effect in Newfoundland, so far as admitting the United States to the privileges conceded to her by the treaty?—A. It came into operation in July, 1871, by a proclamation of the governor.

Q. When was it accepted and proclaimed in Newfoundland?—A. I am not quite certain; in 1873 or 1874.

Q. Then between July, 1871 and 1873, or 1874, Americans enjoyed the privileges conceded to them by the treaty, but Newfoundland did

not?—A. That is the case; 1st June, 1874, I think is the time the treaty was proclaimed in Newfoundland.

Q. Have you any knowledge of the amount of duties in that period, imposed upon Newfoundland imports into the United States as regards articles now free by the Treaty of Washington?—A. I have prepared a statement which shows the amount.

Q. Will you read it?—A. The statement is as follows:

*Duties on exports, the produce of the fisheries, to the United States.*

	1871.		1872.		1873.		1874.		Total.	Duty.	Amt of duty.
	Qts.	Dolls.	Qts.	Dolls.	Qts.	Dolls.	Qts.	Dolls.			
Dry codfish.....	4367	17470	8344	34176	9344	42194	4500	21372	86965 lbs.	50c. p. 100 lbs. \$1.50 per bri.	\$13482.50
Cove fish .....					20	30	300	510	160 bris.		240.00
Salmon (tierces) .....	711	11724	1074	17184	035	10795	410	6154	4245 brls.	\$3.00	12735.00
Herrings, pickled (barrels) .....	15931	47794	19653	58957	25114	75342	4600	13900	63298 lbs.	\$1.00	63298.00
Mackerel .....	408	3684	244	1952	28	196	.....	.....	680	\$0.00	1380.00
Tongues, sounds ..	30	30	279	279	108	108	.....	.....	16680 lbs.	50c. per 100.	208.00
Halibut.....					1848	3696	205	411	86961 lbs.	50c. per 100.	434.00
Trout .....	193	1544	1885	15080	405	1620	369	2956	3222 brls.	\$1.50 per bri.	4833.00
Cod oil (tons).....	2774	29575	342	47880	927	39060	238	38200	147715	20 per cent.	29540.00
Cod roes (barrels).....											
Refined oil.....	46	9200	198	39600	159	32595	204	4780	86175	40 per cent.	34470.00
Blubber .....	5	80	11	176	.....	1	16	273	.....	20 per cent.	54.00
											126165.50

Q. Now, can you give to this Commission an approximate estimate of the value of the bait obtained by the American Bank fishermen from the Newfoundland shore?—A. I estimate that there are about 500 vessels. I would not say the 700, as enumerated by some American captains, because that is speculative, but I think there are certainly 500, and I estimate 200 barrels to a vessel. The pay averages \$20 for the first baiting, and from \$15 to \$20 for the subsequent ones. The last is perhaps \$25. Well, on the average those vessels pay \$80 during the season for their bait. That is \$80 for each vessel. Five hundred vessels at \$80 give you \$40,000.

Q. That is your opinion as to the amount paid for the bait for the season?—A. Yes.

By Mr. Dana:

Q. That is for the Bank fishing?—A. Yes.

By Mr. Whiteway:

Q. Now, what would a corresponding quantity of bait cost, supposing it was brought by the American fishermen from the United States?

Mr. DANA. Is that without reference to its value in the market or its quality?

Mr. WHITEWAY. I am assuming the same quantity, quality, and description.

WITNESS. As to the quantity, I can speak. The same quantity, I am informed by American captains, would cost an average of \$6.00 per barrel. That would be \$600,000 it would cost in the United States. It would be equal to \$600,000 per annum that they would pay for the same quantity of bait for the Bank fishery.

Q. According to your estimate, it is \$40,000 now?—A. That is what I believe.

Q. Now state the difference between the quality of the bait they

would get. What bait would they get on American coast?—A. They would get salt bait. In Newfoundland they would get fresh bait.

Q. Now, what is the difference between the two baits?—A. As regards what?

Q. What would be the difference between them as to carrying on the fishery?—A. There would be a very wide difference between the salt and the fresh bait. The codfish will not eat the salt bait in the neighborhood of the fresh. This was ascertained time after time by our people, and, as a matter of course, using the salt bait, they would catch less fish.

Q. Well, now, are you aware as to whether all those American vessels which come upon the coast for bait enter at the custom-houses or not, or do they all pay light dues or not?—A. I am well informed that they do not all enter at the custom-houses. As a matter of fact, they do not do so where they can possibly avoid it.

Q. As a matter of fact, do the great majority of them pay light-dues, or are you aware of the fact?—A. I am aware of the fact that the great majority of the Americans that visit the coast for bait do not pay light-dues, do not call at the custom-houses, and do not enter their cod-fish, but keep away from the custom-houses as far as they can.

Q. Well, having been connected with the fisheries, have you made up any estimates as regards the profits of the business?—A. I have not made up any estimate. I am pretty well informed what the profits have been in the past. I kept a number of boats and supplied them in full. The result of those boats' fishing was generally that one-third of the catch was profits. We would consider ourselves very badly off if operations did not leave thirty-three and one-third per cent. clear of all expenses.

Q. And you have carried on the fisheries in every way, with every description of craft?—A. Yes, I have.

Q. I believe Mr. Munn swore to an affidavit before you relative to the fishery, and exhibiting the profits?—A. He did.

Q. Well, Mr. Munn is carrying on a very large business in Newfoundland?—A. Yes; in Harbor Grace, one of the largest if not the largest. I think the largest.

Q. That statement of his was sworn to before you?—A. Yes; in my presence.

Q. And have you investigated it thoroughly with him?—A. I have examined it very carefully.

Q. Do you concur with him in that statement?—A. Yes; I think the statement is exactly what it was represented in his books. He made it up from his books.

Q. He made it up from actual accounts?—A. Yes; in my presence.

Q. Well, what are the principal markets for Newfoundland codfish?—A. Brazil is the principal market. Fully one-fourth of the whole catch goes there; of our whole catch of shore fish, that is between the points you have alluded to to-day, between Cape Ray and Rameau.

Q. Would you say from Cape Ray to Quirpon?—A. Yes.

Q. You say one fourth goes to Brazil, that is of your best cured fish. What other markets have you?—A. We have the Mediterranean markets for our bulk fish, Britain for our bulk fish, and the West Indies, British and foreign, for our lower grades of fish.

By Sir Alexander Galt:

Q. You spoke of the caplin coming in at certain five or six weeks of the season. Could you inform me why the caplin come in? Do they

come to spawn or what is the cause?—A. I think it is to spawn. I believe so. I have seen their spawn in great quantities mixed with sand on the sea-shore. Generally you find the spawn very abundant on the shore.

By Mr. Dana:

Q. I forget whether you told us you were a native?—A. I did not tell you. I am not a native.

Q. Where were you born?—A. In New Brunswick.

Q. You came to Newfoundland at what age?—A. I came there very young. I was about 14, I think.

Q. And you went into some place of business?—A. Yes, I went into the office of a merchant in Saint John's.

Q. What merchant?—A. John Stuart.

Q. Of what firm?—A. Of the firm of Rennie, Stuart & Co.

Q. Is that firm in existence?—A. No.

Q. For how many years did you remain a clerk there?—A. I do not remember how many years.

Q. Give us as nearly as you can recollect.—A. I think I was in the office 4 or 5 years.

Q. What business were you doing?—A. I was keeping the books.

Q. What business was the firm doing?—A. It was largely engaged in supplying for the fisheries.

Q. Did they own boats themselves?—A. Yes.

Q. And they employed men and supplied stores?—A. Yes, they supplied stores.

Q. Did they employ men themselves?—A. The men were shipped in their office to prosecute the fisheries. We had our regular shipping-papers drawn out.

Q. Did they have a shipping-office or merely ship the men they employed?—A. They had no shipping-office; it is all done in the merchants' offices.

Q. He shipped them himself?—A. Well, he did so for his large dealers. The large dealers would represent him in selecting men, and he would bring them into the office and they would be shipped.

Q. They would be engaged to fish for the season?—A. Yes.

Q. Generally was it for the half year?—A. It was for the season, which differs in different places.

Q. How was he shipped?—A. A man was generally shipped to the master of the boat, not naming the boat, but naming the master.

Q. And he was bound by the contract to prosecute this business until October, though there might be a change in the master?—A. I do not know about that. It is a question of law.

Q. Do you remember how it read?—A. No.

Q. By whom was he paid?—A. The account was made up in the office and the balance struck by the accountant, and they would be paid by the firm of Rennie, Stuart & Co.

Q. And you also supplied them?—A. Yes.

Q. You supplied them with the outfit to prosecute the fisheries, and you also supplied them with the necessaries of life for their families, didn't you?—A. Well, that was optional. They did not always get what they required in that way, but there were very liberal advances made.

Q. You mean of the necessities of life?—A. Sometimes, and sometimes the men would be young men and would not require it.

Q. Well, in this case, who owned the boats?—A. The planters owned the boats.

Q. That is, your dealers?—A. Yes.

Q. For instance, the firm of Rennie, Stuart & Co.?—A. No; they were the merchants.

Q. Well, the men that were hired did not own the boats?—A. No.

Q. They were the middlemen that owned the boats and that engaged the crew outside and brought them into the office of the merchant?—A. Yes.

Q. It was a sort of middleman who owned the boats and would engage the crew. Who paid him for the boats?—A. Whom?

Q. The middleman.—A. I do not think he required pay for the boat. That question does not appear to me to come up.

Mr. DANA. I beg you will understand that you are not to determine whether a question is proper to be put or not.

WITNESS. I want merely to understand the question.

Mr. DANA. If you will answer directly, without thinking of the consequences of the answer, we will get along a great deal better. Now you say the boats are owned by the middleman?—A. Yes.

Q. What is the name he goes by? What do they call him on the island?—A. They call him a planter.

Q. Well, how does the planter get paid for the use of his boat?—A. He gets half the catch of the fishermen.

Q. Does he go with them?—A. Sometimes he does and sometimes he does not.

Q. Well, what is the difference?—A. It makes a great deal of difference. It makes him a sharesman if he goes, to the extent of half his catch.

Q. If he does not go with them he gets half the catch?—A. Yes.

Q. Who furnishes the seines?—A. He furnishes them.

Q. And does half the catch cover all he furnishes?—A. Yes; it is supposed to cover all he furnishes.

Q. That is the boat and seine?—A. Yes.

Q. Does he furnish provisions?—A. He does—all the provisions for the voyage.

Q. You mean all the consumable provisions, what they eat and drink?—A. Yes.

Q. The lines and all that?—A. Yes, quite so.

Q. Well, did you sell to the middleman? These planters, did you and other like firms sell to them the provisions for the voyage?—A. Yes.

Q. Now how were the men paid that came in and shipped—the men that were brought in by the planter and shipped?—A. They were paid one-half their fish, that is one-half their catch. If there were seven men in the boat, each man got one-fourteenth of the produce of the fish.

Q. Was everything furnished to them?—A. Everything for working the boat. Their own wearing-gear would of course be paid for by themselves.

Q. But the eatables, the diet, all that was furnished by the middleman?—A. It was.

Q. One-half of the catch you say belonged to them?—A. One-half their catch belonged to them.

Q. Was each man's catch counted separately?—A. Well, sometimes they cut their tails. In that case each man takes half what he himself catches.

Q. Otherwise they throw all together, or two or three do so?—A. Yes.

Q. But the result is the same, that the crew get one-half and the other half goes to the middleman or the boat owner?—A. Yes.

Q. Then you sold to these fishermen their provisions, the necessaries of life for their families, while they were gone, didn't you?—A. To a limited extent that is true, but the planter generally took charge of that part.

Q. How do you mean?—A. He superintended it.

Q. That is, he bought it from the firm?—A. Sometimes he would have it himself. There would be sometimes traders doing business apart from the boats, and owning the boats.

Q. Suppose the planter does not keep a shop?—A. Then it is bought from the merchants; sometimes it is charged to the planter and sometimes to the men.

Q. It was all credit?—A. For the most part it was credit.

Q. It was all but universally credit, was it not?—A. No; not all but universally.

Q. Among the fishermen it is?—A. No; there are a large number of independent fishermen in Newfoundland.

Q. Well, have you seen or heard the testimony of your fellow-citizen, Judge Bennett, and others?—A. I have nothing to do with that.

Q. If they should state that it was almost entirely a matter of credit, would it affect your opinion at all?—A. No, it would not. I may know more of the coast in particular localities than they do. I suppose I have frequented the coast more than they have.

Q. What proportion of the fishermen, so far as you know, over the whole Island are employed in this way, that is, shipped by the middleman, who either himself or through the merchants supplies the necessities of fishing?—A. I could not estimate that.

Q. Have you never tried?—A. No.

Q. Have you never been asked to make that estimate?—A. I have never been asked.

Q. Are you willing to give your best guess?—A. I could not begin to work that out from memory. A good many things enter into the calculation. Sometimes the owner is in the vessel and sometimes he is not. Sometimes his sons are in her and sometimes they are not. You would have to calculate the number of married and single men. I could not go into that.

Q. You say the planter goes himself to the fisheries. When he goes himself and fishes with the other men, what above half does he get? Does he get for himself half what he catches, as all the rest do?—A. His share counts in. He would take half the whole catch as planter and his share of his own catch.

Q. To whose employ did you next go?—A. I went to the firm that succeeded Wm. Grieve & Co., carried on under the name of David Steele.

Q. How long were you with them?—A. I think eight years.

Q. Were they engaged in the same sort of business?—A. The same sort of business.

Q. With whom were you next?—A. That is all. I served no others except one house, where I staid but a short time, waiting for an opening when I first came to the country. After leaving Steele I started for myself.

Q. How many years ago did you start for yourself? It is no matter about the exact date.—A. It is 25 years ago.

Q. Then you have been in this business of supplying the planters and

fishermen in one capacity or another about 35 years!—A. Not quite as long as that. About 30 years.

Q. You have not fished yourself!—A. I have not, except for pleasure. Sometimes I have run out with them.

Q. But you have not been employed fishing!—A. No.

Q. Even in your youth!—A. No, not as a fisherman.

Q. You consider yourself, then, well acquainted with the mercantile side of this matter!—A. Yes, I do.

Q. To that your attention has been given. I hope you have been successful!—A. Just moderately.

Q. We are told there is a good deal of money laid up by the merchants, more than they can possibly employ, and that they cannot get interest for it. Do you understand that to be so!—A. There is more money there than they can employ there in the fisheries. The nature of the fishing business is such that it ties them down pretty closely to that speculation alone. They do not branch out into outside speculation.

Q. Then they devote themselves to the fishing business, and there is no employment for capital outside of that!—A. Not in Newfoundland.

Q. Well, it is not very far to other places. Cannot they get their capital employed anywhere else!—A. Well, they are largely connected with home houses in Britain, and have a second business there, the nature of which I do not know anything about.

Q. That is not very general, is it!—A. Yes, it is very general.

Q. Is it a general thing for them to have a good deal of capital laid up here which they cannot invest in Newfoundland!—A. They do keep a good deal of capital locked up in shares in the Union and Commercial Banks.

Q. What is the rate of interest on capital—that is, on good notes!—A. Do you mean the discount rate?

Q. I mean where you hire money and pay interest. Take the case where the interest is paid when the debt is paid.—A. Well, there is freehold property and negotiable notes.

Q. I won't speak of real estate, but take the negotiable notes, supposing that the security is good, that the note is well backed.—A. It is at the rate of 6 per cent. per annum.

Q. We have been told it is three per cent. Is that so!—A. It is three per cent. in the savings bank upon deposit.

Q. Nothing was ever said here about savings-bank deposits.—A. O, well, that is a mistake. It is 6 per cent. on the securities you have mentioned.

Q. Well, if it is landed security it is no worse!—A. No lower, no.

Q. So that on good security they get six per cent. per annum!—A. Yes, at that rate. The notes are generally for three months, 1½ per cent. discount.

Q. Now, this kind of business has been carried on between the merchants and the fishermen for a very long time, has it not!—A. Yes.

Q. Well, have you not met any complaints of the fishermen class that they were hardly dealt with by capitalists and the mercantile class and middle-men!—A. No, sir.

Q. Have you heard that they wanted some further opening so that they could get fair wages!—A. No; as a rule we are entirely free from that sort of misunderstanding. There is a mutual sympathy between the different classes.

Q. You have never heard of any public documents to that effect!—A. Never.

Q. And you think the fishermen are better off serving the merchants in that way than they would be if they undertook to fish for themselves?—A. Well, they get advances that enable them to begin, which they would be deprived of otherwise. I don't think they would be as well off without as they are with them.

Q. Do you think it is an advantage to them to have the option of fishing for the merchants, to whom they are indebted, or fishing for such prices as they can get and are willing to take for their work?—A. I don't think I understand that.

Q. That is, is it better for them to be supplied and to fish in the manner you have described—to be employed by the persons to whom they are indebted, or from whom they get advances, and have no other employment open to them—than it is to have the option of working for other persons, foreigners that come on the coast fishing, and to catch bait and be paid cash for it? Do you think it is an advantage to the fishermen to have that option?—A. I don't think it is any benefit at all to them to have the option of engaging in the bait fishing. It is quite the opposite—it is injurious.

Q. It is very bad, is it? Suppose you give us a specimen of the bad qualities of it?—A. When I was at Cape Broyle (which is a little north of Cape Race), I was informed that 21 bankers were at anchor there at one time, in that little harbor, and that a number of the people were lured away from their fishing to supply these people with bait, that they did so and engaged with the American fishermen in catching squids, and that the noise and turmoil and commotion that they created in the little cove—for it is a small place, at least comparatively small—drove the squids away, and they left the harbor. It is very frequently done. The squids are easily driven off. If you cast your caplin seine twice in a cove it will drive them away, but they will come back again. Well, this had the effect of driving them off, and they did not come back for four days. During all this time those boats engaged in the fishery had no bait. There were three boats that procured bait for themselves while the others were supplying the Americans, and the result was that they had three quintals of fish for each boat during the time the others were supplying bait to the Americans. That would be £3.15 for them, while the average of what the others would get would not be more than \$2 at the very outside.

Q. You were in there yourself at the time?—A. No.

Q. It happened the year before you were there?—A. It did.

Q. You heard it from some one?—A. I heard a number of instances.

Q. Was any affidavit made of it?—A. No.

Q. You are sure it is all correct?—A. I am certain it is all correct.

Q. You have no doubt the fishermen lost by it?—A. No doubt.

Q. How do the fishermen think about it themselves?—A. They think so too.

Q. Well, they would not be likely to make such a bargain again. Now is it possible, between the employer and the employed, for the employed to make a good bargain? He sometimes makes a good bargain, does he not, even with merchants and middle-men?—A. Yes.

Q. Why may he not make a good bargain with the Americans?—A. He is lured off to a pursuit which he does not follow for its real advantages, but for the little ready money it gives him to buy tobacco and rum.

Q. Then rum is at the bottom of it?—A. Rum is at the bottom of everything bad.

Q. Could he not get rum from the merchants ?—A. No ; he could not get it.

Q. Do you mean to say he could not get any rum or tobacco ? Why, the Americans have not been there but two or three years for this purpose. How did he get rum and tobacco before the Americans came ?—A. You see that all the fish that are caught are in the hands of the planters. The fishermen cannot get half a quintal or a quarter of a quintal of this fish until it is weighed out to him or he is settled with. So he has not a copper between the time he goes out in the spring and the settlement in October, except in the case of an independent fisherman. Therefore the inducement of a little ready money from the Americans is very alluring to him.

Q. Then you say that these men are kept from rum and tobacco by the fact that they cannot have any money or any fish to sell for themselves, between the time they begin and the settlement in October ?—A. Yes.

Q. Then they are without means and money, and you think it is bad for them to have ready money ?—A. I think it is bad for them to have ready money for those purposes.

Q. But does every fisherman who helps to get bait for the Americans waste his money in rum and tobacco ?—A. I could not say that.

Q. Would you say that your fellow-citizens and countrymen are so devoted to rum and tobacco that they would get it by working for the Americans to their own ruin ?—A. They are all seamen, and they have the tendencies of seafaring men.

Q. But take your day fisherman, with a wife and family, who has a house and owes money, do you class him with the men who rove around and have no family ?—A. We have a large number who have no families.

Q. Do they live permanently at one place ?—A. Well, the great majority of them do.

Q. Now, do you mean to say, take them as they are, deducting as many bachelors as you choose, do you mean to say that they are such a class that they are allured by rum and tobacco into an employment which gives them a little ready money and takes them away from an employment where they can have steady work, but cannot get their money until the end of the year ?—A. I mean to say that they are induced to take up an employment that gives them a little money that is frittered away uselessly.

Q. Then your objection is not to their having money, but to the use they make of it ?—A. It is to their withdrawing from more lucrative employment.

Q. They ought not to leave the service of those who own them ?—A. No, not that ; but in the interests of the men themselves.

Q. You have been all your life in one employ—that is, you have belonged to a class of men that bears a certain relation to the fishermen. It would not be human nature if you did not get some of the views that belong to that class. Now, you are of opinion that it is bad for the fishermen to be drawn off into any other employment, no matter how lucrative ?—A. No ; I would not say that.

Q. Would not more money make them worse ?—A. No ; we have an industry at Bett's Cove and at Tilt's Cove that drains off a large number of men. There is a copper-mine being worked at Bett's Cove by Mr. Ellershausen, and another at Tilt Cove, of which Charles Fox Bennett and Mr. Mackey are the proprietors. Bennett was a merchant ; in fact, he is still.

Q. Now do you not think it is any disadvantage to the fishermen to be drawn from the regular fishing business to work a copper-mine?—A. It is no disadvantage if he is drawn off to any equally lucrative occupation.

Q. Well, now, may not catching fish for the Americans be an equally lucrative employment?—A. I am well acquainted with its history, and I am satisfied that it is not.

Q. Your objection is that the employment is not lucrative, not to the nature of it?—A. It is not lucrative.

Q. Don't they make their own bargain with the Americans?—A. No; the Americans make the bargain themselves. They say what they will give.

Q. Do the Americans own them?—A. What?

Q. The men?—A. No; they simply say we will give you so much, and if they don't go with them they go further and find others who will.

Q. Well, is not that trade all the world over?—A. It is.

Q. Cannot the fishermen refuse?—A. Yes.

Q. Is it not the same thing when he comes to deal with the merchants or planters? Has he the same chance to go to another merchant, if he is not suited, that he has to go to another vessel bait fishing?—A. Certainly.

Q. There are not so many of them?—A. There are, within easy access. They can always go to Saint John's.

Q. Can they go to Saint John's and make a better contract?—A. Certainly; there are thousands flocking there in the spring to ship, and in the fall to dispose of their fish.

Q. Take the persons that supply them; are they not supplied by the local merchants to a considerable extent?—A. To some extent.

Q. Now, in one place there may be but one merchant capable of furnishing supplies?—A. Yes.

Q. What option have they there?—A. They can go to Saint John's.

Q. It may be a very considerable distance to Saint John's from some places. It is not in the center of the island?—A. I was going to say that communication between all the ports and Saint John's in the spring is so continuous that the fishermen can find their way there and to Harbor Grace from every part of the island.

Q. Then, it comes to this, if there is a fisherman in a place where he cannot get supplies at a reasonable price he has the privilege of trying to find his way to Saint John's to buy them cheaper?—A. Yes.

Q. You consider that a greater degree of freedom than where he has the chance of refusing the American altogether, or of going from one American to another. Do you mean to say it is a greater degree of freedom than where he can choose between the American vessels or refuse altogether?—A. Well, the American vessels are all on one ticket.

Q. You spoke of 21 ships coming in at one time. Now, might there not be such a rivalry as to put the price up pretty well?—A. Well, there might be if there was a great scarcity of bait.

Q. Well, then, the men would have their choice of markets?—A. Looking at it in that light, it is open to a benefit; but as a matter of fact the benefit does not occur.

Q. How do you know?—A. I am satisfied.

Q. I dare say you are. I don't expect to change your mind, but I want to know how you are satisfied. Do you know that these fishermen don't sometimes have a very good chance to make their bargain with

the Americans!—A. I know from the universal opinion of those practically acquainted with the working of this business.

Q. You are one of those!—A. Some of those I refer to are interested the other way. They are interested in supplying bait to the Americans or otherwise dealing with them. Even parties whose interests were the other way have told me that it is ruinous, and that it depletes the bait.

Q. I am not talking about depleting the bait; but do they think it is an injury to the fisherman to have a chance of hiring his labor to other persons in preference to working for the merchant or middleman if he sees fit to do so!—A. Well, I can't name to you any persons that say that it is of any benefit in Newfoundland, or that this traffic is of any advantage among any class that you choose to name.

Q. Well, do you think that the fisherman, without regard to what he does with his money, whether he spends it for tobacco and rum or not—do you think that the fisherman is always the loser in working for the Americans helping them to catch bait!—A. I honestly believe they are always losers.

Q. Well, do you think they are an intelligent class of men!—A. They are very shrewd, but they are not an educated class, if that is what you mean.

Q. No; I don't mean that. It does not require an educated man to make a good bargain.—A. I have stated to you the inducement that allures them. It is a little ready cash to fritter away in things that are of no permanent benefit to themselves.

Q. You think they are better without cash!—A. They are better without any temptation to leave steady avocations.

Q. You think they are better without ready cash!—A. I think they are without this cash.

Q. That is, what is paid by the Americans!—A. What is paid for the Americans for bait, which operates against themselves, by rendering the bait scarce and codfish scarce, putting a sword in the hands of others to compete against themselves, and to injure them.

Q. Does the fact of there being two employments injure his position? Does the competition reduce his wages!—A. It does if he neglects the better employment for the worse.

Q. You don't think he is intelligent!—A. His intelligence does not affect the case. It is just one of the things that fishermen will do. They want a little ready money, and they are taken up with strangers.

Q. It is better that they should not have the ready money!—A. It is very much better that they should not have it at a sacrifice.

Q. Is it better for them to have or not to have the ready money, leaving out of sight what they do with it!—A. In this case it is better to be without it, because they will have a larger sum by following the fisheries.

Q. Now what is the rate between May and October of charge for credit? What is the difference between what a man would pay who offers cash, and what he would pay it obtaining his supplies on credit!—A. That requires some little figuring, for some goods are taxed more highly than others.

Q. Take an average!—A. I think 20 to 25 per cent. would be an average.

By Mr. Whiteway:

Q. What period do you refer to!—A. I am speaking now of credit given during the fishing season.

By Mr. Dana :

Q. Do you think it is better for a man to pay 25 per cent. for credit for six months than to have money which will earn him six per cent.?—A. I think it would be very much better for him, if the Americans would hand him the full amount which was necessary at the commencement of the season to buy all his supplies, to take the money, but it is a mere moiety in this case that is given.

Q. Is it not the case where a fisherman gets a large sum of money all at once that he squanders it? Does not the sailor do so at the end of his voyage?—A. Sometimes it is so.

Q. Is it not better for a workingman to receive small sums of money steadily along than to buy his supplies at an advance of 25 per cent. for credit, and then at the end of the season get a large sum of money, such as he is utterly unused to?—A. If those small sums have the effect or—

Q. Don't go into that.—A. But that is an ingredient in the answer.

Q. Well, whatever the ingredients are, which way do you answer? I will put the question again. Which is best, having small sums of money coming in to him at regular intervals, by the day or the week, or whatever it may be, or having a large sum come in at the end of the season, and in the mean time having to pay 25 per cent. for credit?—A. I think it would be better to have the sum coming in to him in one lump at the end of the voyage, provided his whole efforts are directed to build up the industry in which he is engaged, as they would not otherwise be; and I think he will have a larger sum coming to him than if he is withdrawn by occasional payments of smaller sums.

Q. Well, that is the reasoning on which you consider the present system the best for the fisherman. You have given us your reasons, have you?—A. That is the reason I think that Newfoundland would be better off if it were not disturbed by this system.

Q. I do not suspect you of testifying out of the way in the least, but are you quite sure that your long employment and interest on one side have not biased your mind in the least in the formation of your opinions?—A. I am strong in the belief that it has not. I am only desirous of stating the truth.

Q. No doubt about that. You are stating what you believe to be the truth. Now, the American trade in bait has been recent, has it not?—A. Yes.

Q. It has not had its full development yet?—A. It is alarmingly developed, and I suppose it will go on developing.

Q. You are alarmed?—A. The people are alarmed.

Q. Don't you share it with them?—A. To some extent.

Q. You believe the seining is going to drive the fish away?—A. No, I do not know enough about it. There is a good deal of seining, but we do not find that it affects the fishing, as you say.

Q. That is done by your own people?—A. Yes.

Q. Well, take something that is not done by your own people. If an American comes in for bait he wants it in the shortest possible time?—A. Yes.

Q. The average is about a day, is it?—A. You mean the time he is detained there. I think that is lower than the average. I think it would be more than that.

Q. Do you feel competent?—A. My opinion is that from the time he leaves the Banks until he goes back it occupies three days.

Q. But the time he is detained in port. He goes in, and the first thing he does is to buy bait, if he can get it?—A. He could not buy it. It would not be pure if kept any time.

Q. Suppose it is driven into one of those small bights in the cove?—  
A. It depends upon the bait.

Q. Well, as far as he can, he will buy it?—A. It depends upon the bait. If it is caplin, he can get it rapidly by seining, large quantities. Herring is the same. Squid he cannot get so.

Q. Well, if he can buy good bait at a fair price, he will do so?—A. I presume he would.

Q. Time is a great deal to him?—A. I presume so.

Q. Well, if he can get one of these men who has a boat he will employ him to catch bait for him. That is all of a recent date? Do you understand that to be very important to the American?—A. Well, I do.

Q. You say it is "vital" to him, I think?—A. I do not think I used the word "vital."

Q. What was your word?—A. I think it is all essential to the prosecution of the Bank fishing.

Q. How long have the Americans been engaged in the Bank fishing? From time immemorial almost? It was well established in Burke's time? I do not mean the coming to your island, but I mean the Bank fishing?—A. It is recent, I think; but you know more about that than I do.

Q. (Reading from George R. Young's volume on the fishery question:) "It has been estimated on authority that the number of American vessels employed in these fisheries in 1829 was 1,500 sail, manned by some 15,000 men, taking 1,000,000 quintals of codfish and 3,000 tons of oil." This was in 1829. Now, how did the Americans get their bait before this very recent attempt to get it here—for the cod-fisheries, I mean? Where did the people, engaged before the Revolution, and from the time of the Revolution down to the present, that is, before they commenced going into Newfoundland to set up this demoralizing business—where did they get bait?—A. I don't know.

Q. You do not know what their resources are at home?—A. I do not know.

Q. Are you unwilling to assume that the Americans have been largely engaged in the cod-fisheries for a great many years?—A. I am willing to believe that.

Q. During that time where did they get bait?—A. I believe, until recently, upon their own coasts.

Q. Are you a judge of their resources at home?—A. Only from what their captains have told me, that they cannot now get a supply of bait on their own coast.

Q. What do they bring?—A. A very small quantity of salt bait; and then they come up to our coast.

Q. Not until they have consumed that?—A. They come right down, I think.

Q. Do you think the power of getting bait at home failed them just about the time this treaty went into operation?—A. I think the bait-supply at home was failing, or had failed, and I think it was a strong interest in maturing this treaty.

Q. Then, if you can prevent the American from getting bait where you are, you can prevent his engaging lucrative in the Bank fishery?—A. It would lessen his chances as a competitor.

Q. You are going into that business?—A. We have, as I stated.

Q. You are interested in that?—A. No.

Q. Some of your friends and neighbors are?—A. Yes.

Q. Don't you think it will be a good thing for them?—A. The ex-

periment will solve that, whether it is or not. At all events, they are trying it.

Q. Well, for the various reasons you have given—the opinion you strongly hold that it is better for the men not to have ready money, not to have any competition between the merchants on the one side and a new set of employers on the other—that this practice of dragging your harbors and bays for bait is injurious, and that is a disadvantage to have the Americans coming into your harbors as they do, you are on the whole opposed to the treaty that authorized them to come there, are you not?—A. That is a complicated question. I don't know that I can exactly take it all in.

Q. You need not take any more than the last part of it. Are you not opposed to the treaty for the reasons stated; so far as it relates to the right of the Americans to come in?—A. I am satisfied we would consider it a very happy deliverance to be released from it.

Q. Perhaps you would be willing to pay a compensation—some of this money that is lying useless in Newfoundland might be well devoted to driving the Americans off?—A. We are only in hopes it will take some better turn.

Q. You told us that the Americans used to throw overboard all their small fish. You put them at 22 inches split?—A. Yes; I calculate that they would have 250 quintals each vessel on an average of two loads of fish which was formerly thrown overboard, but is now sold to the Newfoundlanders. That is, 250 quintals for each vessel for two trips. Most of them, I think, make two catches.

Q. You mean 250 for the voyage?—A. I mean 250 for two voyages.

Q. Now you say they bring them into Newfoundland?—A. Yes.

Q. They don't bring them all in?—A. They bring in all they catch. They have told me so. I don't think they catch any very small fish on the Banks.

Q. You think they bring in all that they used to throw overboard?—A. They bring in all they would otherwise throw overboard. They have the advantage of that fish and the oil it yields.

Q. Do you think that market is any disadvantage to your people, the chance they have of buying these small fish and making what they can out of them? Do you think that is a disadvantage to your people?—A. No; except that it goes into competition with their own catch.

Q. Then you are opposed to competition?—A. Well, I don't suppose any person would like to have too much competition.

Q. Well, do you think this is too much? Has it a bad effect?—A. I can't say it has had a bad effect, except in the points I have stated.

Q. Was there any competition in these small fish before? It is a new thing, is it not? Where is the competition?—A. It is this: these fish go into competition with their own catch, and helps to supply the demands of other countries. Instead of being caught by the Newfoundlanders it is caught by the Americans, and the only profit in it is between the man who buys and the man who catches.

Q. Is not that generally the case, that the man who sells is supposed to make something and the man who buys is supposed to make something? If both make something, is not that a fair trade?—A. That is so; but you see our people have nothing to do with catching it. Where there is small fish caught among ourselves, our people have the benefit of catching it.

Q. Do you think the industry of your people has suffered from it?—A. It has, to the extent I tell you; this will go in and supply the demands of other markets.

Q. Your own people sell it. It gives employment to your people!—  
A. But the profits don't spread among the people.

Q. Part of it does.—A. Well, a fraction of the benefit goes, of course; but that is all.

Q. The Americans get only a fraction.—A. They get the whole.

Q. Have they not the expense of bringing it in and handling it?—A. The liver would pay for the salt; so that the only outlay is the manual labor for splitting.

Q. Don't you suppose there would be competition in it very soon, if it is so profitable?—A. I anticipate that all the American bankers will hereafter sell their small fish in Newfoundland.

Q. Will they have a monopoly of it?—A. They have of the Bank fishing.

Q. Would not one American try to undersell another, if he could? The greater the number in the less will be the cost of the fish?—A. Well, our people have got pretty near an average price. They know what it is worth in the market, and they give pretty nearly the value of it.

Q. Then you think their saving from the ocean what was lost and bringing it into the market is an injury?—A. I say it is a very great advantage to the Americans, and we ourselves naturally benefit a little.

Q. It is some benefit to your people?—A. It is a very small benefit.

Q. They would not buy it if they did not make money?—A. I suppose so.

Q. There are jury trials in your island?—A. Yes.

Q. For all sums of money, or only large ones?—A. There are jury trials, I think, for sums over \$20. There are jury trials in other cases where money is not the consideration.

Q. Assault and battery, murder, &c.? For chewing tobacco or drinking rum?—A. I do not think so.

Q. Now the jury trials in ordinary matters of contract are causes that must exceed \$20?—A. I am not sure.

Q. These fishermen that go to Labrador, do they go under the same contracts as when fishing at home?—A. Very much the same.

Q. You estimate the amount of the bait which the Americans buy now in Newfoundland to be about \$40,000 a year, do you not?—A. Yes.

Q. Well, is not \$40,000 a year as a new industry of some importance to your people?—A. It would be an important item if it stood by itself, but when it is a mere decoy—

Q. You say that all these other considerations destroy its value?—A. When it is a mere decoy to draw fishermen from a steady employment.

Q. That is, the regular, old, established, steady relation between those fishermen and the merchants and middlemen is broken up?—A. It interferes with the lucrative prosecution of the fisheries.

Q. That is what you mean, that they have been prosecuted in one way that you consider lucrative, and this interferes?—A. Yes; it withdraws the attention.

Q. In that \$40,000 do you include the trade in frozen herring?—A. No; that is additional.

Q. Do you consider the frozen herring a good business?—A. It is by far the best portion of their transactions with Newfoundland.

Q. Is it any advantage whatever to the Newfoundland people?—A. I am not practically acquainted with it.

Q. You would not be prepared to say it was?—A. If I were a supplying merchant I would like to have the benefit of it. I do not know that it is likely to do any injury but supply them with bait to come down upon our fisheries. You must understand that the cod-fishery is

our only industry, and we look upon it with different feelings from what you have for your industries, which are more varied.

Q. Then there is nothing that has come from the Americans to you generally in the way of the purchase and sale of bait or of small fish or anything of the kind which, in your mind, is a benefit? On the contrary, it has been an injury!—A. I think it is a decoy which leads to a permanent loss.

Q. Can you give us an estimate of the annual value of bait sold to the French from Newfoundland?—A. I think that the amount sold to the French will average between forty and fifty thousand pounds, currency.

Q. Do you think that an injury!—A. Well, it does not injure us to the extent that the other does, because it is used as salt bait on the Banks, and the proof of that is that a French banker came in to get fresh bait close to St. John's harbor. She found that she could not catch fish alongside of the fresh bait of the Americans. Now the French would like to have the same privilege the Americans have of getting bait. They buy it fresh, but put it down and use it salt.

Q. Still they make their fisheries pretty profitable, don't they, with the aid from government?—A. I am not acquainted with the working of their fishery.

Q. Then this is not any advantage, taking it all through. It is less disadvantage, you would say?—A. It is less disadvantage.

By Mr. Whiteway:

Q. You say you have had a French vessel in to get fresh bait because she could not use salt bait alongside of the American vessels that had the fresh bait?—A. Yes.

Q. How did the people in the locality where she went treat that vessel?—A. They rose up and drove her off the ground. She went into St. John's Harbor.

Q. With regard to the rate of interest charged upon notes, 6 per cent. per annum, you say, is the ordinary rate of discount for notes?—A. Yes.

Q. What is the rate paid in the savings banks on the deposits?—A. It is 3 per cent., and in the others the same.

Q. Are there not very large sums deposited at 3 per cent., now?—A. There are in the savings banks, and in the other banks also.

Q. In the Union and Commercial Bank?—A. Yes.

Q. Are there not large sums deposited that are not upon interest at all?—A. Yes; that I know is the case.

Q. Now, to whom does the greater part belong?—A. In the savings bank, to the operative population. I cannot say about the other banks.

Q. Does not a comparatively small part belong to the capitalists?—A. Yes; in the savings banks; I am not acquainted with the amount in the others.

Q. Well, now, is there not generally a good feeling prevailing between the employer and the employed in Newfoundland?—A. Yes; there always is.

Q. There is mutual and implicit confidence between the two?—A. Generally.

Q. You have heard of none of those disturbances which have taken place between the laborers and the capitalists in other countries?—A. No; nothing of the sort.

## No. 18.

THURSDAY, August 16.

The conference met.

ANGUS GRANT, of Port Hawkesbury, Inverness County, Cape Breton, merchant, formerly fisherman, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Where is Port Hawkesbury ?—Answer. In the Island of Cape Breton, on the eastern side of the Strait of Canso.

Q. Have you lived there any length of time ?—A. I was born there.

Q. Have you been engaged in the fisheries ?—A. I have.

Q. For how many years ?—A. Upwards of 25 or 30 years, more or less.

Q. As a practical fisherman or as a merchant ?—A. I have been fishing as a practical fisherman about 10 or 15 years out of that.

Q. And the rest of the time you have been engaged as a merchant, that is, trading ?—A. Yes.

Q. You have been trading in fish, but not a practical fisherman latterly ?—A. Yes.

Q. Have you fished in American vessels or solely in British bottoms ?—A. My first fishing was in American vessels altogether.

Q. In what year did you first go fishing ?—A. I think it was in 1845.

Q. What branch of the fishery did you prosecute in that year ?—A. I went in a codfishing vessel first. In the year of 1846 I went in a mackerel fishing vessel.

Q. What was her name ?—A. The Seaflower.

Q. What was her tonnage ?—A. 50 tons.

Q. What was the captain's name ?—A. Captain Furbush, Alonzo Furbush.

Q. Where did you fish—in American or British waters ?—A. British.

Q. What time did you go ?—A. I went about the 1st of July.

Q. Where did the vessel hail from ?—A. Newburyport.

Q. How many trips did you make ?—A. We generally made two trips.

Q. Where did you fish ?—A. In the first part of the trip we would go to the north and try along by East Point, Prince Edward Island, and up the shore to North Cape. From that to Bonaventure. No further than Bonaventure. In the latter part of the trip we would fish off Prince Edward Island.

Q. How many fish did you take that first trip you made ?—A. From 250 to 300 barrels—I cannot say exactly to a barrel. We were always fitted out for about that quantity.

Q. Where were those taken with reference to the shore line ? What proportion was taken inside of the three miles, and what proportion outside ?—A. About one-half of the catch of the first trip was taken inshore and the other half off the shore.

Q. That is what you would call the spring mackerel is it ?—A. Yes.

Q. What did you do the rest of the year ?—A. I went home after the first trip, that is, I returned to Newburyport. I came back again the same season and caught on the island coast.

Q. That is Prince Edward Island ?—A. Yes.

Q. How many did you take this last trip ?—A. The same quantity. We always fitted out for the same number of barrels.

Q. Did you get your fare ?—A. Yes.

Q. Now, speaking with regard to this second trip, what I would call the autumn trip, where were those fish taken?—A. Inside, from East Point to North Cape. We never went any further.

Q. What proportion caught in the second trip were taken inshore?—A. They were all taken inshore. You can get no mackerel off shore in the fall.

Q. Are the autumn mackerel much finer than the spring mackerel?—A. They are fat mackerel, of course.

Q. Did you catch any off Magdalen Island coast?—A. No.

Q. You have been a good many years fishing. Did you ever catch any on the Magdalen Island coast?—A. No; I never did.

Q. Can you explain the reason?—A. It was always such a blowy, stormy place that we never cared to go, and we never found many when we did go. We lost a good many anchors, and our captain would never go there.

Q. Coming down to 1847, what vessel did you go in?—A. In the Sea Flower again.

Q. How many trips did you make?—A. Two trips. We always made two trips.

Q. You got a fare each trip?—A. Yes; between 250 and 300 barrels. That is near it; I cannot recollect now.

Q. And with reference to the places where you took these two fares, were they the same as the year before?—A. We always fished on the same grounds. We considered that we could catch them nowhere else. The captain was well posted on those grounds, and went there always.

Q. In preference to Bay Chaleurs and other places?—A. Yes.

Q. The proportions of the catch inside and outside in 1847, were they the same as in the previous year?—A. Yes. The fact is we cannot catch them in the fall of the year without being inshore. We always catch inshore. In the spring, for the first part of the trip, we do catch off shore when the fish are coming. We go there to meet them, and have to follow them inshore.

Q. Do you wish to make the same statement, with reference to this year, that half of the first trip were got inside and the other half outside—that is, of the spring trip?—A. Yes.

Q. And that nearly the whole of the autumn catch was inside?—A. It is always so.

Q. In 1848 what vessel were you in?—A. In the Sea Flower again.

Q. No; that was in 1847. Were you in the Eagle that year?—A. Yes; I was in the Eagle, of East Machias.

Q. In the State of Maine?—A. Yes.

Q. What was her tonnage?—A. She was a small vessel; about 45 tons, I suppose.

Q. What was the master's name?—A. Davis.

Q. How many trips did you make in her?—A. But one trip.

Q. Were you solely for mackerel?—A. No; we got cod and mackerel both.

Q. What was your catch?—A. We got about 150 quintals of codfish and about 120 or 130 barrels of mackerel, as nearly as I can recollect.

Q. Where were they caught?—A. We caught them off the north side of Prince Edward Island. We used to anchor every Saturday night in Campbell's Cove.

Q. Where is that?—A. It is on the north coast of P. E. Island.

Q. Where did you take the 120 barrels of mackerel?—A. We took them around East Point, P. E. Island.

Q. Close in to the shore?—A. Yes; you can't catch any mackerel off shore at East Point.

Q. Give the Commission some idea how far from the shore these mackerel were taken?—A. They were taken from a half a mile to a mile and a half.

Q. Were they all taken there?—A. Yes.

Q. In 1849 what vessel did you go in?—A. The Cypress.

Q. Who was the captain?—A. Captain Furbush. She was from Newburyport.

Q. How many trips did you make?—A. Two.

Q. What catch did you take each trip?—A. We had somewhere about 300—a little over that. It was a little larger vessel than the Sea Flower. We fitted out for more.

Q. I don't want to repeat the same question for each voyage, but were the proportions taken inside and outside the same as before, or was there any difference?—A. There was no difference in those vessels. We always got a fare. We were with a very lucky captain.

Q. But I was speaking with reference to the distance from the shore.—A. It was just the same. We always followed the same grounds. In fact I don't know any grounds you can go to, except those.

Q. I want to know especially with reference to the proportions of those fish taken within the three-mile limit and those taken in the open gulf—were the proportions still the same?—A. The very same. We always went, on the first trip, a little off shore, to catch them as they were coming in. Half the catch of the first trip was off shore, and the second was all inshore.

Q. That is a general statement as to all trips?—A. Yes.

Q. Where were you in 1850?—A. I was in the Cypress, too, the same vessel.

Q. How many trips did you make?—A. Two trips.

Q. What was the result?—A. The same result.

Q. You caught in the same places and proportions?—A. Yes.

Q. In 1851?—A. I was in the Cypress.

Q. That was the year of the great gale, the Yankee gale, so called?—A. Yes.

Q. Your vessel was not lost?—A. No. My brother was lost on the same Bank, in a Newburyport vessel, too.

Q. How many trips did you make?—A. Two.

Q. What was the result?—A. The first trip we had obtained the same results as before; the last trip we did not get quite so many, on account of the gale. We went home.

Q. Was there any other cause for it?—A. Well, the water was discolored for nearly a fortnight by the gale, and our captain, with a great many others, did not feel like sailing. We went home, having caught about 200 barrels; something like that.

Q. In 1852, in what vessel did you go?—A. I was in the schooner Garland.

Q. What was her tonnage?—A. 150 or 120 tons; somewhere there.

Q. Who was the captain?—A. Captain Furbush; the same man.

Q. How many trips did you make in her?—A. One trip.

Q. With what result?—A. Not very good.

Q. How many did you get?—A. We did not get more than 300 barrels.

Q. To what cause do you attribute the bad fare that year?—A. The captain had been a very fortunate man, but commenced to drink the last year or two, and we were in the harbors most of the time.

Q. It was not owing to the absence of the fish?—A. No; we did not attend to it.

Q. Of those 300 barrels, what proportion were taken inshore?—A. We got a portion off shore. We were early in the bay.

Q. What proportion did you get inside?—A. We got half inshore and half off shore that trip.

Q. Did you go in 1853?—A. I did not go with that man any more. In 1853, I was fishing in one of our own vessels, the Matilda.

Q. In the bay?—A. Yes.

Q. What was the result?—A. I did very well. I was four or five weeks out and got 200 barrels.

Q. Where did you catch them?—A. Around the island, close in at East Point. I caught them altogether at East Point.

Q. Was that a good year, 1854?—A. That was a fair year.

Q. I mean the year 1853?—A. Yes.

Q. In 1854 where were you?—A. In 1854—I don't know that I was fishing in that year. I was not fishing; I was coasting.

Q. Did you go afterwards fishing in 1855 or 1856?—A. I went, in 1855, a trip in the American vessel Kusseta.

Q. What was her tonnage?—A. Ninety or 100 tons.

Q. How many trips did you make in her?—A. One trip, the fall trip, only.

Q. Had she been in the spring trip?—A. No; she was on the Grand Banks fishing cod. She only made one mackerel trip.

Q. What did you catch?—A. We were not long, only five days in the bay. We got about 160 barrels.

Q. Where?—A. At Aspy Bay, Cape North.

Q. Where is that?—A. That is at the north point of Cape Breton, just inside of St. Paul's Island.

Q. Were the fish plenty there?—A. Yes, quite plenty. We might have had 200 only that it got calm on the last day, and we could not get right into the ground where the principal biting school was.

Q. Is it a small bay?—A. Yes.

Q. Were there many other vessels there?—A. There were at the last of it. We went on Sunday evening and came out on Thursday night. When we went in there were only 5 or 6 sail. When we left there were 30 or 40.

Q. How did they do?—A. They all did well; they all did better than we did; we went right home then. We did not stop any longer.

Q. That brings you down to 1856. Did you continue fishing in American vessels?—A. No; that was the last trip.

Q. Generally with reference to these years, that is from 1846 to 1856, covering a period of ten years, what was the average number of the American fleet frequenting the bay during these years?—A. There was a large fleet; that is, they grew larger every year. I would suppose the average number would be 600, between 500 and 600. We have seen 400 sail in Port Hood at a time. It was like a city with lights.

Q. Had you good opportunities of seeing and judging of the numbers?—A. Yes; we could not help seeing them.

Q. Did you converse much with different captains and interchange information as to the catches you made?—A. Yes; we would always go aboard one another to find where they got their last day's fishing and the run of the mackerel, and all that.

Q. Had you a fair opportunity of judging of the catches of the different vessels?—A. I had.

Q. Give the Commission the average catch taken any particular year,

or running over 2 or 3 or the whole ten years, if you please?—A. I was in small vessels and we always got a fare. I suppose there were larger vessels that used to get a larger quantity, but in my opinion the average catch would be 600 barrels, taking the small and the large vessels; taking those that did well with those that did not, I feel that I am within bounds when I say that.

Q. You say there were larger vessels; would they make larger catches?—A. O, some got 1,000 barrels; some large vessels that came down fitted out for the season would have 1,000 or perhaps 1,100 barrels.

Q. Can you form an accurate opinion as to the proportion taken within the limits, of the whole quantity taken? What would you say?—A. What do you mean?

Q. Of the whole of those fish caught in the bay, what proportion would be caught inshore within the three miles, and what proportion outside in the bay, taking the spring and fall catch together?—A. My idea is that about three-fourths were caught inshore. For half of the first trip they may catch them off shore, and they do catch them off shore, but my opinion is that three-fourths of the fish are taken inshore. I know they are caught inshore; you cannot catch them anywhere else.

Q. Well, is there a large fleet of boats in Cape Breton?—A. Quite a number.

Q. How many boats have you, approximately?—A. I suppose, taking the whole thing, from Cape George around the different banks to Cape North, there are 1,000 boats.

Q. Now, the catches made by these boats, where are they made with reference to the shore line?—A. They cannot be taken outside; the water is too deep. The mackerel are taken right in. All the boat fishing is inside.

Q. From 1856 where were you; what vessel were you in, or what were you doing?—A. In the year 1856 I was coasting.

Q. Have you been fishing since then?—A. I have been fishing in my own vessels.

Q. In the bay?—A. Yes; in 1858, I think it was, I was in a schooner called the Union, of Miramichi, mackerel fishing. A company built a schooner there, and they sent for me to the strait to go in her. I took a crew—that is, I took 8 men—from there.

Q. What was the result of that?—A. We got about 300 barrels.

Q. Was it a large vessel or a small one?—A. It was not very large; it was a vessel of about 60 tons.

Q. Were you fishing at any other time?—A. I was there in my own vessels.

Q. Well, taking one year with another, give us a general idea what was the result of your fishing?—A. I did not prosecute it for the season at all. I would just go a trip in the fall of the year.

Q. You were trading in your own vessel and gave one year to the fishing?—A. Yes, I used to first go when the mackerel got fat in the autumn.

Q. What was the general average result?—A. I did well. She was a vessel of about 65 or 70 tons, and I would make 200 or 250 barrels of fat mackerel in four or five weeks. I recollect getting in one trip 250 barrels right in the rocks, where we had to anchor all the time. That was at Pabou, close to Bonaventure. It is a little inlet to the northwest of Bonaventure Island.

Q. Well, what year was that?—A. I think it was in 1865.

Q. Did you continue fishing from 1865 down?—A. Occasionally.

Q. Down to what year?—Down to 1869.

Q. Covering that period of time, from 1856 to 1869, what would be the average number of the American fleet frequenting the bay? Did it keep up to the average?—A. O, yes; it largely increased, I think. They were very fine vessels.

Q. You have given the average up to 1856 as 600 vessels. From 1856 to 1869 you say it materially increased?—A. I should suppose so; yes.

Q. That is your judgment from mixing in among them?—A. Yes. They were vessels of larger tonnage.

Q. Do you wish to state that the vessels were vessels of larger tonnage, and also that they came in increased numbers?—A. Yes; both the number of the fleet and the size of the vessels increased. Of course we would know that, because it was very hard for us to get fish among such a heavy fleet. They would lee-bow us when they could to prevent our catching, but of course we would try to lee-bow them too when we could do so; though it was hard work.

Q. You found they were masters of the situation?—A. No; the Bismarck, that I had, was a fine vessel. I had to prepare for that sort of work.

Q. You had to play the same game?—A. Yes.

Q. What would the average catch of the fleet be during this number of years, from 1856 to 1869?—A. I suppose the average catch would be somewhere about 600 or 700 barrels.

Q. Per vessel?—A. Yes. Some of them made three trips.

Q. Has there been any change in the localities where the mackerel have been taken; that is, have they been closer in or further out?—A. O, no; the same places. They are catching them now in the same localities.

Q. How are the proportions inside and outside?—A. They catch more inshore, I think. I know they are not finding them off shore this season.

Q. Well, in 1869 did you give up actual fishing?—A. Yes.

Q. Since that what have you been doing?—A. I have been trading.

Q. You have resided since then at the Gut of Canso?—A. Yes.

Q. Have you had opportunities of seeing the fleet passing and re-passing?—A. Yes. Every day we see them. They have to pass the door of the place where I live.

Q. Can you give us, from 1869 down, what the number of the fleet has been?—A. From what I can estimate, I would suppose there were from 600 to 700 sail; somewhere along there.

Q. Do they keep up, or have they decreased?—A. There were not many last year.

Q. Were there many in 1875?—A. No, not many.

Q. In 1873?—A. There was quite a large fleet then.

Q. Did the average keep up to that time?—A. Yes.

Q. How was it in 1874?—A. Well, there were not quite so many in 1874.

Q. Well, was there a pretty fair number?—A. There would be 500, I suppose.

Q. In 1875 and 1876 I understood you to say it diminished?—A. Yes.

Q. To what extent?—A. Usually, I suppose there was not quite half of that, particularly the last year.

Q. Has this depression continued during the present season, or what are the indications?—A. There is quite a large fleet coming in now. When I left home last Monday they were anchored all round the strait in all directions; and in conversation with their captains I have been told that there is quite a large fleet coming.

Q. When you speak of the strait, you mean the Strait of Canso, between Cape Breton and Nova Scotia?—A. Yes.

Q. You were going on to say something about having conversed with some of them?—A. Yes; I saw several this season, and they tell me there will be a large fleet. I saw them coming every day.

Q. And there is a large number now anchoring about all the coves?—A. Yes, in all the coves where they are acquainted. These people form acquaintances, and they anchor in the different localities where they are acquainted.

Q. With regard to the size of the vessels, are they of small or large tonnage?—A. They are of large tonnage, the best vessels I have seen yet. A good many of them are seiners. I saw some with two seines.

Q. Have you ever seen the seine-fishing prosecuted?—A. Yes.

Q. What is the effect upon the fisheries?—A. Well, we don't look upon it as very prosperous at all. We don't think anything of it.

Q. Has it a bad effect upon the fisheries or not? Does it destroy any fish?—A. Well, we think so; and from what I have conversed with the American captains this season more particularly, they told me that they wished to God there never was a seine; they would do better and make more money in the end. It destroys the young fish, and they get no price for them. That is what they say.

By Sir Alexander Galt:

Q. These are purse seines you refer to?—A. Yes, sir. They have never been prosperous in the Bay of Chaleurs with them, because they can't use the purse seine in shallow water.

By Mr. Davies:

Q. Well, how is it in the deep water?—A. Well, the fish are not there. I understood the other day that there was an American schooner came in and tried to get a seine of short depth for shallow water. I don't know what luck he will have.

Q. He was getting his seine made shallower to take the fish in the shallow waters?—A. Yes, I understood he was sending home for one.

Q. Well, you have been residing some years about the Gut of Canso, can you give me an idea to what extent the transshipping of fish is carried on? Do the Americans tranship to any extent of late years?—A. They have.

Q. Just state what you know of this.—A. I was not in the business, but on this very property I have now, I have seen the wharf so piled full of mackerel that you could not get upon it, waiting for the steamer Alhambra and others, and those vessels could not take them all, and they had to wait trip after trip. They were all anxious to get them on to get the advantage of the high prices.

Q. Those were American-caught mackerel?—A. Yes, all. Then there was a large number of sailing-vessels shipping on the other side as fast as they could get them. The cable roused me out of bed with an offer of a dollar a barrel from some Americans to go home with their fish. They could not get vessels.

Q. Where do you mean when you speak of the other side?—A. I mean the other side of the strait. I am on the eastern side.

Q. When you speak of a large quantity being on the wharf, what do you mean? Give us some idea.—A. I consider that 7,000 or 8,000 barrels, piled up four or five tiers high, waiting for steamers every week to take them away, is a large quantity for our locality, which is only a wooden place.

Q. Don't you get the benefit of that traffic?—A. I have not been very

long in it. I don't know about my part. Those I have seen haven't made much riches yet.

Q. Is it or is it not beneficial, this traffic?—A. I don't think it. If we would employ our own resources I think it would be better.

Q. What is the practical result to the men in trade? Have they made money or lost?—A. They have lost money. We on our side never went a great deal into it. On the other side, particularly, the Americans have traded. Our men would have nothing to do with it.

By Mr. Foster:

Q. What is the harbor on the other side?—A. There is Port Mulgrave, Pirate Cove, and Steep Creek.

By Mr. Davies:

Q. Is it an extensive trade?—A. Not very; it looks large—very large; but they would not do but very little. Wood is the principal thing. Lots of poor men sell their cord-wood and think they are doing wonders, but those that go in their own boats and fish make more money than those who sell the wood.

Q. You have been engaged in the cod fishery, and you know something about it, I suppose?—A. Yes; a little.

Q. What is the number of the American fleet prosecuting that fishery on an average?—A. I am not so very well versed in that part of it, but from what I would see I should suppose between two hundred and three hundred sail.

Q. Well, has there been any appreciable diminution in their numbers?—A. I think not.

Q. Where do they prosecute the fishery?—A. On Bradley Bank and northward, and what they call the shore, off Point Miscon.

Q. And off Prince Edward Island and Magdalen Islands?—A. Yes.

Q. This is what you call the bay?—A. We always call it the bay after you leave the northern entrance of the Gut of Canso.

Q. You say a fleet of two hundred and three hundred on an average frequented this bay yearly?—A. Yes; that is my opinion.

Q. Where do they catch bait or get bait?—A. These cod fishermen get a good deal of bait on board the vessels—that is, with nets. But latterly the Cape Ann fishermen get a good deal of bait around the coast.

Q. They buy bait and ice?—A. We have ice in the strait.

Q. Is ice a necessary article in the fishing business?—A. Of course; it keeps the bait fresh. It is very necessary indeed, particularly for trawlers. You cannot fish with trawls unless you have fresh bait—something that will remain on the hook; clams come right off. The best bait we know of now are the squid; they are tough and will remain.

Q. Now, with reference to squid alone, do the Americans procure it by fishing or do they purchase it?—A. Both.

Q. Is that within your knowledge?—A. Yes; they have done very well in our harbor fishing for themselves. They caught them altogether in Port Hawkesbury. There was none sold. Our own fishermen from the west did the same.

Q. These are best bait?—A. Yes; we had an American vessel there about three weeks ago getting bait to carry to French St. Peters to sell. I don't know what quantity he did get. He was there for some time.

Q. Have you ever known any of the British vessels leave our waters to prosecute the fishery on the American coast?—A. I never heard

of one. I think there was some report of one this summer. I never heard or knew of one.

Q. You have not fished there yourself?—A. No.

Q. Can you give the Commission some idea of the quantity of squid that would be taken by one of those fishermen in a day?—A. The Olive H. Robinson got 35 barrels, I think, during two nights. He got all he wanted, and several other schooners also, of which I don't remember the name. They got from twenty-five to thirty barrels. I saw them.

Q. Would that be sufficient for the trip?—A. Yes.

Q. And they caught them in two nights? Now, when you speak of a fare of codfish, how many do you mean? Of course you can only speak approximately. How many codfish would that quantity of bait enable them to catch?—A. Well, they would catch about 400 quintals, I suppose. Those men that get bait, like those I have referred to, are generally fresh fishermen. That is, they take their fish home fresh. They don't stop long; they don't care so much about the quantity they get. They like to get their fare quickly and go home with it.

Q. The question I am about to put is almost superfluous. Suppose we kept the inshore fisheries to ourselves, and excluded the Americans from within three miles, in your opinion, as a practical man of 30 years' experience, would any American fisherman engage in the open-sea fishing at all, for mackerel?—A. I don't think they would come to the bay at all.

Q. Have you any doubt about it?—A. I have no doubt, not the least doubt. They would not prosecute it at all.

Q. I mean three miles from the land?—A. The reason I think that is because I was in an American vessel at the time the cutters were here, and we always went inshore to get them then.

Q. The cutters did not succeed in keeping you out?—A. They drove us out of the Bay Chaleurs three times.

Q. But as a matter of fact they did not keep you out?—A. We would watch the steamer's smoke, we would find out when she went away to Pictou for coal, and would run in then. We knew she would be 4 or 5 days away. I recollect being there with a very large fleet off Shippegan, close in. We had done very well the day before, and we thought we would go up again next day. We were watching very anxiously for the smoke, and when we saw it coming up the bay we got under weigh as fast as we could, but she caught every one of us inshore. Four or five got clear, but the rest of the fleet remained stationary. We watched the first vessel go by to see what the steamer would do. She was a fine vessel, and as soon as she got abreast of the steamer a gun was fired. The vessel did not mind, and another gun was fired, still she did not mind, and another was fired. We then expected to see a ball, and a ball was sent across and brought them to. Every one of us had to pass under that old fellow's stern. When we came along the captain knew us, and said he: "Well, you are here again; what brought you here?" Our captain said, "We have a sick man on board." "There are no sick men in the treaty of 1818," said he. "This is the third time you have been here, and if I catch you here again I will seize you." We went off and did not go in there any more.

Q. Did you go in anywhere else?—A. Well, you see around Prince Edward Island it is pretty hard to keep us off. We can get under weigh any minute and dodge around, but in the Bay Chaleurs it is different.

Q. As a matter of fact, then, you did evade the cutters and get in in

spite of them?—A. Of course we did. We had to get our fish some way.

Q. If you had not got in you would not have had any fish?—A. No, sir.

By Mr. Foster:

Q. What year was it that you had so much trouble with the cutters?—A. I don't recollect the year altogether. It was when the Devastation and Basilisk were in and those steamers.

Q. What vessel were you in?—A. I was in the Garland.

Q. Was that a Newburyport vessel?—A. Yes.

Q. Now, you were speaking of the number of American cod vessels that you were in the habit of seeing in the gulf?—A. Yes.

Q. You think there were 200 or 300 of them right along?—A. Yes.

Q. Are there as many as that this year?—A. I think there are a larger number this year.

Q. Are they principally engaged catching fresh fish for the markets, those in the gulf?—A. A great many of them. Most of the Gloucester vessels are.

Q. Perhaps you know about the Gloucester vessels. How many Gloucester vessels come for codfish in St. Lawrence Bay?—A. I should suppose there were perhaps 100 sail of Gloucester vessels in there, that is in the bay, and then there are more that go outside.

Q. Whereabouts can they take squid in the bay?—A. They take a large quantity at Hawkesbury, and follow them along to Margaree and along there.

Q. How do they catch them?—A. With the jig.

Q. Do they seine them ashore?—A. No.

Q. You said something about the traffic carried on at Port Hawkesbury, which you think has not been, on the whole, profitable to your people. How many establishments have you had engaged in the traffic there?—A. Well there are only three establishments there on that side.

Q. What are those?—A. There are two Paints, and Levi Hart.

Q. Those are pretty large establishments?—A. Yes.

Q. What do they sell?—A. They are general stores, and sell everything.

Q. What do you include in that?—A. Salt, barrels, flour, dry-goods, groceries, and everything like that.

Q. Bait?—A. They do—but not much bait. They don't sell so much bait on our side.

Q. Do they sell ice?—A. Yes; we have two ice-houses.

Q. How long have you had those?—A. Not very long. Last year and this year principally.

Q. Has Port Hawkesbury kept up as much as formerly of that trade, or has it gone off to other places?—A. We never had much of that trade. It was on the other side.

Q. Where is Guysboro?—A. Guysboro is about 30 miles from Hawkesbury, at the head of Chedabucto Bay.

Q. On which side?—A. It is on the south entrance to the Strait of Canso, between Cape Canso and the entrance.

Q. Was there a good deal done there in the way of supplies?—A. I think not. They go into Crow Harbor and those places and get bait, I understand.

Q. Do they buy it?—A. Yes, and catch it too, I think. I would not be so certain about their catching it. I know they buy it and catch it too when there is occasion, or when they can catch it.

Q. Which do they do most?—A. They buy most just there.

Q. How long have you ever known an American coal fisherman to stay for bait at any of those ports?—A. Not very long; 3 or 4 days, 2 or 3 days, or a day.

Q. Do they generally stay as long as that?—A. Yes. I have telegraphed for them to find out if there were other places for them to get bait, and they have gone there.

Q. Whether it could be caught there?—A. Caught or bought.

Q. Do you have boats at Hawkesbury engaged in the business of catching bait for the Americans?—A. No, none.

Q. Do your people advertise in the Gloucester papers?—A. They advertise ice.

Q. What else?—A. Oh, well, they advertise sometimes as supplying American fishermen. Some of them do, I think. I sell to them myself.

Q. What do you sell to them—the general requirements—all they want?—A. Yes, I do, whatever they want.

Q. Bait?—A. No.

Q. Ice?—A. I do.

Q. Have you an ice-house?—A. Yes.

Q. Have you advertised in the Gloucester papers?—A. Not this summer. I did last year.

Q. In what papers?—A. In the Cape Ann Advertiser.

Q. Now take one of the other ports. By the way, what is the population of Port Hawkesbury?—A. Five or six hundred, I suppose.

Q. What other establishments are there?—A. There are three establishments engaged in the business there.

Q. Do the others do as much as you do?—A. Yes; they do more, perhaps, than I do.

Q. Do they advertise in the States too?—A. I think one firm does, Peter Paint, senior.

Q. What is the trouble with the business. Don't you get enough, or does too much competition between you throw the profits down?—A. There is a good deal of competition.

Q. With each other?—A. Yes.

Q. And a considerable between the different ports?—A. Yes; it has been so.

Q. Well, take the other ports.—A. There is Port Mulgrave right opposite.

Q. How far across is it?—A. About a mile and a half.

Q. What is the population of Port Mulgrave?—A. Four or five hundred, I suppose.

Q. How many establishments are there engaged there in furnishing various supplies to American fishermen?—A. There are but two now, I think.

Q. What are the names?—A. F. C. Cooke and Michael Keating & Co.

Q. Do they furnish all the things you do?—A. Yes.

Q. Ice?—A. No; there is no ice at Port Mulgrave.

Q. Do they furnish barrels?—A. They do.

Q. Bait?—A. Yes.

Q. Give me another place on the strait that furnishes the Americans.—

A. Pirate Cove.

Q. How large a place is that?—A. It is very small. It is just a cove. There are only a few families there, and one store.

Q. What does that furnish?—A. He has been in that trade too.

Q. Does he have ice?—A. No; but he sells bait.

Q. General ships' stores?—A. Yes; they send over to our side for ice.

Q. What is the name of the man?—A. Jonathan Hartly.

Q. Now, give us another dealer.—A. There is John Maguire, of Steep Creek.

Q. How large a place is that?—A. About the same as Pirate Cove. There are one or two families. There is one man in that business.

Q. Is there any other business carried on there?—A. There is another man alongside of him.

Q. Does he keep the same sort of establishment?—A. No. He sells little groceries and things like that.

Q. I suppose he will sell those to the Americans?—A. Yes; he keeps liquor, too.

Q. I suppose he does not even refuse that to the Americans?—A. No; I do not suppose he would refuse it to any one. I forgot to mention Mr. William Wylde, in Wylde's Cove, who has been doing a little.

Q. Does he keep all these various things?—A. No; not so much this year.

Q. Does he have ice?—A. No.

Q. What is the reason, then, so little is sold now?—A. The times are hard and the fishermen do not want so many things.

Q. The business is affected by the dullness of the times?—A. Yes.

Q. Give us another place?—A. There is Port Hastings.

Q. How large a place is that?—A. It has 300 or 400 inhabitants.

Q. How many establishments are there there supplying Americans?—A. There is but one.

Q. Whose is that?—A. It has changed hands several times. It was James G. McKean. He did the largest business with the American fishermen while he was there.

Q. Who succeeded him?—A. George C. Lawrence.

Q. He is considerable of a person, is he not? He is a commission merchant, ship's broker, Lloyd's agent, notary public, and receiver of wrecks. He deals in all these various things you have mentioned, does he not?—A. To a very large extent.

Q. (Reads from list of articles advertised in Cape Ann Advertiser.) Does he engage in all that?—A. Well, he has a large quantity of ice, but you could hardly get anything else.

Q. Why does he advertise all those things if he has not them?—A. Sometimes they come around bothering us to get them a yard or two, sometimes.

Q. He is a second-rate kind of fellow from that account.—A. Yes; that is our idea of him.

Q. Is there anybody else at Port Hastings?—A. No.

Q. Go to any other place you remember.—A. That is all, I think, in the Strait of Canso.

Q. Whitehead, where is that?—A. It is fifteen miles westward of Cape Canso. It is on the Nova Scotia side, on the Atlantic coast.

Q. How large a place is that?—A. There are not very many inhabitants.

Q. How much business do they do?—A. I don't know that they do any business, except that I think they have ice.

Q. (Reads advertisement as follows: "Bait! Bait! Bait! Ice! Ice! Ice!" Put up for American and Dominion Fishermen, at White Head, N. S., and will be sold at the lowest market prices. Vessels will also be supplied with bait on liberal terms. Drafts taken on owners. For information call at the post-office at White Head.—James H. Feltmate & Sons.") Don't they do a pretty lively trade?—A. They do in ice and bait. That is all I know they can do it in. The bait amounts

to a very large item. We very often give the Americans \$100 in cash to get this bait. It comes pretty hard on us to get that much cash.

Q. What do you charge them?—A. Sometimes we don't charge them anything.

Q. You do it out of pure good nature?—A. Yes; out of cutting into one another and making fools of ourselves.

Q. Well, the amount seems to be that in that vicinity, looking to the increase in the fishing business, your own people are going into this trade?—A. Yes.

Q. And that there are too many to make money as rapidly as you like?—A. That is so; we are losing it.

Q. That is because there are too few Americans?—A. No; that is because there are too many of them. It is a mushroom affair. We have done better since they dropped off.

Q. You attribute your difficulties to the fact that they used to come, and not to their having ceased to come now?—A. Yes, I think so; but I think they will not cease to come.

Q. Well, there is Peter Paint, senior, he cashes drafts, too, at Port Hawkesbury?—A. He does if they are good.

Q. You do not cash those you think bad?—A. I have done it.

Q. Those you thought bad?—A. Well, I did not know.

Q. Have you mentioned all the places you thought of? Where is Cape Canso?—A. It is about 15 miles eastward of Whitehead. It is the eastern part of Nova Scotia.

Q. Do they do this business there?—A. They do considerable. Largely in ice and bait.

Q. It is a large place?—A. There are 700 or 800 there, I suppose.

Q. How many establishments are engaged in supplying the Americans there?—A. Three or four—Cahoon, Hart, and Whitman.

Q. Hart is an enterprising man, isn't he?—A. He does considerable.

Q. (Reads advertisement as follows: "ice! ice! ice!—The subscriber offers for sale Two Thousand Tons heavy, clear ice; also fishing supplies, cord-wood, &c., &c.—Alfred W. Hart, Cape Canso, Nova Scotia.") Is that the man?—A. That is the man.

Q. Has he ice?—A. He has ice.

Q. Where is Prospect, Nova Scotia?—A. It is outside of Halifax, around Sambro.

Q. It is one of the first places they would strike, off the coast?—A. Yes, likely.

Q. How large a place is that?—A. I can't say much about that. I don't know a great deal about it.

Q. Do you know William B. Christian, Prospect?—A. I have heard the name.

Q. What do you think of the following advertisement: "Ice! ice! ice! At Gloucester Price.—I am prepared to supply ice, bait, wood, and coal, and general stores to vessels as usual. Currency or drafts accepted. Captains of vessels, having small fish or haddock to dispose of, will find it to their interest to call on me before selling elsewhere. W. B. Christian, Prospect, N. S."?—A. I am not acquainted on that shore; that is, with the people. I know the harbors pretty well, but not the people.

Q. Where do your people generally get the bait which they sell?—A. They catch it in their nets on the coast.

Q. That is fresh bait?—A. Yes.

Q. Do they also put it up in barrels?—A. No.

Q. What bait is there advertised for sale?—A. That I suppose is salt bait.

Q. Does not that come from the States?—A. The pogies are brought from thence.

Q. Do your people import pogies and sell them to the Americans?—A. We sometimes do, and perhaps we may have to take some old pogies from the Americans in surety until the following year, for their bills, which are not paid when they go home.

Q. Do you do this under compulsion?—A. Sometimes when these bills are not paid, we are glad to obtain them.

Q. Can you not hold their vessels for their bill?—A. We do not like to do that.

Q. Is there no bait which they themselves catch, put up by your people?—A. The Americans very often buy our fat herring.

Q. Do they take them to the States?—A. No; but to the bay.

Q. For what purpose?—A. To catch mackerel.

Q. Do they use fat herring for bait?—A. Sometimes they thus use a few.

Q. Do your people collect and salt squids for bait?—A. No.

Q. When squids are taken, I believe that they are salted?—A. They are put up in ice and kept fresh.

Q. They are kept frozen?—A. Yes.

Q. Do they keep a supply of them on hand?—O, no. I understand, however, that this is done in Newfoundland.

Q. How much of these supplies are sold, on the average, by your people to American vessels; how much does it cost such a vessel to refit for another voyage in your ports?—A. I do not know. They generally want barrels and salt; these are the principal things.

Q. Can you give an estimate regarding their cost?—A. Not very well.

Q. Do they buy flour?—A. They generally have flour enough with them, but they will want butter and sugar.

Q. Will they have enough pork and molasses and other ship's stores on hand?—A. My experience regarding a vessel which is now fitting out at my wharf, was this: she took two strips of pork.

Q. She had a sufficiency on hand?—A. I suppose so.

Q. The supplies furnished do not amount to much?—A. No.

Q. I suppose they are not so liberal when they are doing poorly in their fishing?—A. No.

Q. This is one of the troubles in this regard?—A. I fancy so.

Q. When the business was good and things were thriving, "humming," as they sometimes say, did they not buy a good many supplies?—A. I suspect that they did. I was not in the business then.

Q. Was that not within your own knowledge?—A. O, yes.

Q. They then bought fresh provisions pretty freely, did they not?—A. They are not the people to buy fresh provisions. You can hardly sell them fresh beef. They are not English enough to buy it.

Q. Did they not buy a good many clothes?—A. No; but of late years, I think, they have purchased to a small extent clothing, more than used to be the case. The clothing here is usually not fashionable enough for Yankee sailors when at home. When I first went fishing I could not save much money, because such clothing cost a considerable amount.

Q. Do not these fishermen leave a good deal of money among your traders or drafts on Gloucester, most of which, I dare say, are paid?—A. They leave drafts for what they get.

Q. And that does not amount to a great deal?—A. No.

Q. How does it happen, then, that so many people engage in the business? It must have been profitable once!—A. There are not very many who engage in it. I knew Port Mulgrave when three or four carried it on, but they are now all gone.

Q. Why!—A. They have failed.

Q. What made them fail?—A. The American trade.

Q. Did this trade fall off? What was the cause?—A. It was due to their competition with one another and the consequent reduction in prices. The Americans would go from one store to another and say, "If you don't do so and so, Mr. So and so will," and thus they secured reductions in the price of goods.

Q. They are sharp traders, I suppose?—A. Yes, a trader would say, "So and so is not going to get to the windward of me," and comply, expecting to secure their trade the following year, but then they would perhaps go to a third trader. This is the way in which they have managed in my experience.

Q. Then you think that it is a mistake for your people to go into this business?—A. Yes.

Q. When did they begin to make that mistake at Guysborough?—A. There, as I said before, we have not engaged in the business. The Paints have money, but they have never engaged in the American trade. They are the only men in the Strait of Canso who have much money.

Q. Do they not advertise fishing supplies, &c., for sale?—A. Of course. They have always been so engaged in business, supplying our own fishermen.

Q. How do they advertise for the benefit of your fishermen in the Cape Ann Advertiser?—A. They advertise merely for the sake of selling ice.

Q. Ice and fishing supplies?—A. The inducement held out in that advertisement is ice.

Q. They do not want the other trade?—A. No. One of the Paints in particular will not carry on trade with the Americans. He has said that he has always lost money when he has touched this business at all, and he will have nothing to do with it.

Q. Have you mentioned all the things that you think your people sell to the Americans? What about the sale of ropes and hawsers for rigging and refitting?—A. They always have those articles in stock.

Q. Are they not offered for sale to the Americans?—A. No.

Q. What do you think about the following advertisement:

The Dartmouth Ropework Co., Halifax, Nova Scotia (Dominion of Canada), manufacture with quick despatch Manilla fishing hawsers slightly tarred or white, of any size or length in one piece up to 120 fathoms.

Vessels losing their hawsers upon the Banks can be supplied in Halifax more quickly, and at a lower price than in any other port; and the attention of outfitters is solicited to Halifax prices when they are fitting out with new hawsers.

~~Be~~ Be particular to have hawsers of the Dartmouth Ropework Co.'s make.

~~All~~ All other descriptions of tarred and Manilla cordage in stock are made to order.

HALIFAX, NOVA SCOTIA, January 3, 1877.

A. That is correct enough.

Q. Things of that kind are cheaper, with the exception of bait, here than in the United States?—A. I do not know about that.

Q. All things required for fishing purposes are cheaper here than in the States, are they not?—A. I do not know that this is the case.

Q. Can you not build fishing-vessels here from 25 to 40 per cent. more cheaply than in the States?—A. I believe so.

Q. That is because everything that enters into the equipment of a vessel is ever so much cheaper here, such as ropes, and spars, and

anchors, and lines, and everything of that sort?—A. Yes; this is the case to some extent.

Q. All these things are cheaper here?—A. I would not say that all are cheaper.

Q. Do you know the collector at Port Mulgrave?—A. His name is David Murray.

Q. Do you know whether he is coming here?—A. I do not, I am sure.

Q. Will you tell me, if you can, what proportion of the American vessels that come through the Strait of Canso, and make two trips, land their cargoes somewhere in the Strait of Canso?—A. I would say that two-thirds of them do so, when mackerel are plentiful.

Q. When mackerel are scarce, they do not get two full fares a season, of course. This has not been the case within the last two years, I suppose?—A. I do not know that mackerel have been really scarcer during the last two years than previously in the bay; but the American fishermen have caught a good many on their own coast during the last year or two, and that is something exceptional in my experience. Perhaps this is the reason why they did not come over here in such numbers as formerly.

Q. Do you happen to know how they have caught them, and why it is that they have been catching so many more fish during this period than was formerly the case on their own coast?—A. I could not give the reason for the fish going on their own coast, but I know that they have been there.

Q. The trouble used to be that they would not always bite there?—A. They have caught them in seines.

Q. With the purse seine they can catch fish whether these are inclined to bite or not?—A. Yes; if the fish show themselves.

Q. That is the reason why they fish so much more at home?—A. During last year, yes.

Q. That is the reason for the growing decline in the number of American vessels that come up here?—A. For the last year, yes.

Q. You think that three-quarters or two-thirds of them land their cargoes at the Gut of Canso?—A. About two-thirds of them do so.

Q. What proportion of them refit?—A. All those that land would have to refit partially.

Q. And wherever they do so they have to purchase their supplies of your people?—A. Of course.

Q. Then whenever the fishing business is prosperous a great deal of trade must thus be furnished?—A. This would be the case for one or two persons.

Q. And if too many of your people go into it the usual results would follow?—A. Yes.

Q. You once went cod-fishing in an American vessel to the Banks?—A. Yes.

Q. Did you make more than one trip that year?—A. No.

Q. On what Banks did you fish?—A. Banks Bradley and Orphan.

By Mr. Davies:

Q. Will you kindly state of what the outfitting of an American vessel in the spring generally consists?—A. Of flour, pork, lard, butter, salt, barrels, bait, hooks, and lines.

Q. Do the fishermen on board get outfittings?—A. The Americans ship a good many men down at our place now. Of course, the latter can be obtained at lower rates than is the case with men in the States, and these men take outfittings to a certain extent.

Q. Is the trade which is thus occasioned by the whole American fleet sufficient to pay more than a fair remuneration to the houses in the gut?—A. I think not.

Q. The total profits which could be made out of this refitting and furnishing of American vessels would not be more than sufficient for two or three houses?—A. If it was not for the other trade we have, it would not maintain us at all. I suppose that 150 or more sail have gone through in the gut, and when I left quite a number of the American vessels were anchored along the shore at different places, and out of all these vessels only one or two did anything on our side in the way of fitting out.

Q. Mr. Foster spoke of a great deal of decrease as apparent in our fisheries here. Have our fisheries greatly decreased? Do you call the results of this year a decrease from those of previous years?—A. No.

Q. What do you think of this year's prospects?—A. It is going to be a good year. The prospects are excellent.

Q. What has been the case on the American coast this year, judging from the information which you have received from American captains?—

A. According to the Americans there is no fishing on their coast at all this year. Some of them told me the other day that if they did not get any more on their shores the whole of the fleet would come up here.

Q. So this year there will not be a repetition of 1875 and 1876?—A. No, sir; I am sure it will not.

Q. And the Americans have to come to our waters for fish?—A. If there are none caught on the American coast, they must.

Q. You were asked a number of questions about Prospect Bay, and I noticed that in your answers you did not seem to give accurate information; do you know anything about it at all?—A. I know that there is such a bay.

Q. Have you an intimate acquaintance with the trade of its people?—A. No.

Q. Have you ever been there?—A. I have passed there and just know where it is.

Q. You have no further knowledge of its people or trade beyond the fact that you know there is such a bay?—A. I have heard of Christian, who lives there.

Q. You do not profess to know anything about Prospect Bay?—A. Beyond its position I do not.

Q. Some questions were asked about Lawrence, in Port Mulgrave; is he a successor to McKeen?—A. Yes.

Q. McKeen was engaged for many years in the American trade?—A. Yes.

Q. When did he become bankrupt?—A. About three years ago.

Q. And this Lawrence, whose advertisement was read, is his successor?—A. Yes.

Q. McKeen, I believe, was the American consul there?—A. He is so now.

Q. And he had the bulk of the American trade?—A. He did a great deal of it. He had the place all to himself.

Q. And the result was bankruptcy. You spoke of the effect of this trade on our people; can you give the Commission an idea as to what has been the effect of the prosecution of the Bay fishery by the Americans, with respect to their prosperity and the prosperity of the town of Gloucester, which appears to be the chief outfitting port? Has it prospered by reason of this trade or been prejudiced?—A. I think that

they have very largely prospered by it. Of course you can see that in the class of vessels they have.

Q. Have you a pretty intimate knowledge concerning these matters?—  
A. I have, indeed. We can tell a Gloucester vessel whenever we look at it. They are of a different style from most other vessels. When I first went to the United States Gloucester was a small place, but it is quite a place now. They own a great many vessels there; and most of these vessels have frequented the Bay of Chaleurs. So of course they must have prospered by it, since they have such a large fleet and such fine vessels.

Q. One witness said that Gloucester had been built up by this fishing business; is that your opinion?—A. Of course. This must be the case. They do some other business, but their principal fishing occupation is mackerel fishing, in the greater part. They would not put one of these fine schooners years ago in the cod-fishing business; they were all engaged in the prosecution of the mackerel fishery in the Bay of Chaleurs.

By Mr. Foster:

Q. You do not happen to know how the number of vessels owned at Gloucester compares with the number they held a few years ago?—A. I think that the number is about the same.

Q. Has the number not fallen off one quarter?—A. do not think it.

Q. How recently were you there?—A. I was there, I think, in 1870.

Q. Seven years ago?—A. Yes; but we see their vessels every day. We are in continual communication with them.

#### No. 19.

JAMES MCKAY, deputy inspector of pickled fish at Port Mulgrave, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. What is your occupation?—Answer. I have been pretty much all my life-time engaged in fishing; but during the last two or three years I have been engaged in the inspection of pickled fish.

Q. How long have you been acquainted with the fishing business?—  
A. Some forty years.

Q. That would be since 1837. In what way did you commence fishing in 1837?—A. My first trip was in an American vessel to the Magdalen Islands, in the Bay of Saint Lawrence for herring. We took a load of them to the United States, and returned in search of mackerel.

Q. Do you recollect the name of that American vessel?—A. It was the Porpoise.

Q. Where did she hail from?—A. From Isle Haute.

Q. Off the coast of Maine?—A. Yes; close to Deer Island.

Q. What was her tonnage?—A. About 60 tons.

Q. How did you ship?—A. I shipped at the head of Guysborough Bay. I belong to Guysborough. I worked on wages by the month.

Q. Where did you go?—A. To the Magdalen Islands.

Q. What did you get?—A. A load of herring.

Q. What did you do with them?—A. We took them home to the United States and landed them.

Q. In bulk?—A. Yes.

Q. Where did you land them?—A. We landed part of them on Isle

Haute, and the balance up the Penobscot River, near Castine or Burnt Island.

Q. Did that conclude your fishing for that year?—A. No; we came back and went into the bay for mackerel.

Q. When did you return?—A. Sometime in July.

Q. It was early in the spring when you went for the herring?—A. It was the last of April or the first of May, as well as I recollect. I think it was about the first of May.

Q. You got back to the gulf about the first of July?—A. It was sometime in July.

Q. You were in the same schooner?—A. Yes.

Q. Where did you fish?—A. Mostly around Prince Edward Island.

Q. At the bight of the island?—A. Yes. We fished for a good part of the time from five to fifteen miles from East Point.

Q. You kept inshore?—A. Yes; close inshore.

Q. What fish did you catch that trip?—A. Mackerel. I think we packed out 160 barrels.

Q. Where did you go with them?—A. We packed them out at Isle Haute, Maine.

Q. Did you go back again that year?—A. No. I fished on the American coast during the balance of the year.

Q. How did you succeed there?—A. We did very poorly there for the balance of the season.

Q. Had the mackerel ceased, so far back as that, to frequent the American shore?—A. Not that I know of; but I know that we did not get many there that season. We fished until sometime about the first of November.

Q. What is the best season for fishermen on the American coast when there are mackerel in that quarter?—A. I think that July is about as good a month as they have any time in the year.

Q. Is there any fall fishing when mackerel are to be found there at all?—A. They do catch some mackerel in the fall. We caught some that fall—about 40 barrels.

Q. Where did you make your next venture?—A. I then knocked off fishing for a few years and went to sea.

Q. You left off fishing for two years and went to sea?—A. I left off fishing for about three years.

Q. What did you do then?—A. I afterwards fished on the American coast.

Q. Do you recollect the name of the vessel in which you were?—A. It was the Freedom. She belonged to Lubec or Eastport. I think she was from Lubec.

Q. That is situated close beside Eastport?—A. It is a few miles from Eastport.

Q. Where did you fish that year in that vessel?—A. In the Bay of Fundy—about Grand Manan Island, and in that neighborhood.

Q. Grand Manan Island is only a short distance from Eastport?—A. Yes. I, however, forgot the number of miles between them.

Q. You can see Grand Manan from Eastport?—A. Yes; plainly on a clear day.

Q. Grand Manan is a British island?—A. Yes.

Q. And Little Manan is an American Island?—A. Yes.

Q. Did you keep close inshore when fishing?—A. We went close inshore for bait. I was then cod-fishing.

Q. Did you fish for or buy bait?—A. We used to catch some and buy some.

Q. Where would you catch codfish ?—A. Always off shore.

Q. How far off from it ?—A. Probably from 7 to 9 miles.

Q. You fished around Grand Manan and a long the New Brunswick coast ?—A. We fished off Grand Manan, and right to the west of it.

Q. How far from the New Brunswick shore ?—A. I could not tell you.

Q. If you went within 9 miles of it, you must have been pretty near the New Brunswick shore ?—A. We fished around Grand Manan and right square off in the bay. We were running into the ocean as it were.

Q. You got bait inshore ?—A. Yes; right in the harbors; we used to obtain most of the bait from the inhabitants on shore out of weirs.

Q. These weirs are fastened in the mud ?—A. Yes; right in the harbors.

Q. Without that bait, you could not have fished ?—A. We had to get it somewhere, and this was the most convenient and best place for the purpose.

Q. Where else did you go that year ?—A. After I knocked off cod-fishing that year I went to sea again.

Q. What did you do the following year ?—A. I then came back and fished for mackerel.

Q. This I suppose was about 1842 or 1843 ?—A. Yes.

Q. Where did you fish for mackerel ?—A. In the Bay of Fundy, or rather we tried for the fish there.

Q. Where ?—A. All around Grand Manan, and up in the bay apiece. I fished up as far as Isle Haute in the bay.

Q. Is this the same Isle Haute that you previously mentioned ?—A. No; it is another.

Q. You fished off Quaco Ledge ?—A. Yes.

Q. This is in New Brunswick territory ?—A. Yes. I also fished for mackerel off an island, which I think is called Fishermen's Island. It is an island at high water.

Q. This is on the New Brunswick shore ?—A. Yes.

Q. Did you catch any there ?—A. We got a few. I also fished off above Cape Sharp, and off Fishermen's Cove, but secured no fish there, however. We did not stop long there, but came back and tried around Grand Manan Island. We then went in and I left the vessel.

Q. Why did you always keep inshore about the island instead of fishing out in the bay ?—A. Because we found more fish there. We fished around the northern part of Grand Manan Island, in British waters.

Q. Could you find mackerel out in the open bay at all ?—A. We have risen them out there, but none to speak of.

Q. The best fisheries are inshore around the islands you have mentioned ?—A. I could not say much about Grand Manan Island in this respect. I only fished there for part of the season, but we got most of the fish inshore.

Q. Did you fish any more in the Bay of Fundy ?—A. No; I went on the American coast the next year.

Q. Were you successful ?—A. No. The vessel in which I was did nothing.

Q. How did the others do ?—A. I guess that some got mackerel.

Q. You got nothing you mean ?—A. We got no fish to speak of.

Q. What was the size of the vessel in which you were ?—A. Some-where about 40 tons.

Q. Can you recollect her name ?—A. No; she was a pinkey.

Q. And you only caught very few barrels?—A. Yes; and not enough to pay expenses.

Q. Do you remember how many you caught?—A. It was probably 35 barrels. I think we were out for about two months. We did not get more than 35 barrels.

Q. That would not pay for two months' time?—A. No; we did not pay expenses.

Q. Was that a fair average for the other vessels on the American coast that year?—A. I can only speak for the vessel in which I was. Some of the others caught more, and some caught less.

Q. As far as you know, yours was a fair average catch?—A. It might have been.

Q. Do you know that it was not?—A. I know nothing to the contrary. I left before the season was over, and came over to the Gut of Canso.

Q. Before the fishing season was over?—A. Yes.

Q. In the same pinkey?—A. No; but in a coasting vessel.

Q. You did not come to fish?—A. No; I came home to Guysborough.

Q. You did no more fishing that year?—A. No; not in the Bay of St. Lawrence that year or for a few years after. I went next fishing along the Nova Scotia shore, in boats.

Q. On the shore of the gulf?—A. No; I went to the Cape of Canso, and crossed over to St. Peter's, Cape Breton, and fished around there.

Q. Was boat fishing largely carried on at that time?—A. Yes; a great deal of net fishing in boats was then done.

Q. What did you catch in the nets?—A. Fat herring and mackerel chiefly.

Q. Did you not fish in the bay for mackerel?—A. No.

Q. Was this a paying business as far back as that time?—A. It paid pretty well generally. Some years it paid very well.

Q. Did the Americans interfere with any of the boat-fishing?—A. Not there, about that coast.

Q. What did you do afterwards?—A. I fished there for a few years, and then I went to the Strait of Canso, where I now live, and engaged in the collection of light dues.

Q. This is at Port Mulgrave?—A. Yes; I went for one trip in an American vessel to the Magdalen Islands, and got a good load of herring. I then engaged in the collection of light dues, and was in the service of the collector of these duties for three summers. This is now some 18 years ago.

Q. Where was that?—A. At Port Mulgrave. I collected light money from the fishing vessels which passed through the strait.

Q. In what year was that?—A. I think it was some time in the 1850 decade.

Q. Was it before the Reciprocity Treaty came into operation—that is, before 1864?—A. During the existence of the Reciprocity Treaty I was in the light-collector's boat.

Q. Had you been so engaged previously?—A. I do not remember. I am not certain on that point.

Q. Was it your business to collect those duties from American vessels passing through the Strait?—A. It was our duty to board all the vessels passing through the Strait of Canso that we could.

Q. Did you manage to board them all, or did some escape during the fog and the night?—A. We could not board them all.

Q. Why?—A. Very often a large fleet would arrive. I have seen probably as many as 20 or 25 sailing up the Strait at one time with a

fair wind. We might board four or five or six or a dozen of them, if it was not very windy, but the rest would slip along, and we would not be able to see them afterwards. We could not board them all with only one boat.

Q. They would not stop?—A. Stop? No, sir.

Q. Would vessels get through unperceived at night or on foggy days?—A. I dare say a good many did. Of course, during the summer season you can see these vessels coming and going any night.

Q. Practically, is it possible for any one man to get an accurate list of the vessels that pass through the Gut of Canso in any one given season?—A. No one man stationed in the Gut of Canso can get a list of all the vessels that go through there; to do so is a moral impossibility. He cannot do it.

Q. Why?—A. Because they go through during the night when he cannot see them; this is done when it is pretty dark or foggy, and sometimes during a gale of wind. At such times he cannot see who or what they are, save that they are vessels; such a gale may be blowing that he dare not go near them or board them. I have seen American fishermen passing through during a heavy breeze going northward and coming from the north.

Q. Then your opinion is that practically one man, or several for that matter, cannot actually get a correct list of the number of vessels which pass through the Gut?—A. No. That is my opinion. I have served three summers of it and I could not get them all.

Q. You have not only lived there for 18 or 19 years, but you have also passed three or four years in this especial business?—A. Yes. We had to board every vessel we could catch.

Q. Do you think that during these three summers you kept an accurate list of the number of vessels passing through, or anything like it?—A. We did not board all of them.

Q. You only kept a list of those from whom you collected light-money?—A. Yes; it was not my business to keep a list of the names of the vessels.

Q. Did many American vessels come into the Gulf of Saint Lawrence during the Reciprocity Treaty?—A. Yes.

Q. What would be the average, in your judgment, for each year during the existence of the Reciprocity Treaty?—A. Somewhere about 600.

Q. That would be the average for each year?—A. Yes.

Q. This treaty ended in 1866, and you say that from 1854 to 1866 the yearly average was about 600?—A. That is my calculation.

Q. You observed what passed as accurately as most men, I suppose, during all that time. Had you anything to do with the fisheries yourself during any portion of this time?—A. Yes.

Q. What did you do?—A. In 1861 or '62, I went into the bay after mackerel in an American schooner.

Q. And up to 1861 or '62, do I understand that you were engaged in the collection of light-dues?—A. Yes; up to 1861, I think.

Q. And then you went fishing?—A. Yes.

Q. How?—A. I went in an English vessel in the bay for codfish.

Q. Where?—A. We went over to the Magdalen Islands.

Q. How did you succeed?—A. We got a trip of codfish. I then went fishing for mackerel, after we had landed the codfish.

Q. What time did you land the codfish?—A. In August.

Q. Did you catch any cod within the three-mile limit?—A. Yes.

Q. How many?—A. We caught about 130 quintals in the bay between Cape Alright and Entry Island.

Q. Where is Pleasant Bay?—A. On the eastern side of the Magdalen Islands.

Q. You caught them in this bay?—A. Yes; in 10 fathoms of water.

Q. Close inshore?—A. Yes.

Q. How many did you catch?—A. About 130 quintals.

Q. What was your whole fare?—A. About 400 quintals.

Q. You caught more than one-fourth there?—A. Yes.

Q. How did you get bait; did you fish for it?—A. Yes; we set nets on shore for the purpose.

Q. Had you to land to do so?—A. Yes; the inhabitants informed us where to set nets to secure bait.

Q. Where did you go to procure bait?—A. We anchored in the bay and tried for fish, and if we caught any we staid there for a few days until the fish struck off.

Q. Did you catch many outside?—A. We obtained the balance of the trip outside. We obtained about 130 quintals outside, between 3 and 4 miles from Deadman's Island, and we caught part of the trip off Cape Knowles and Pleasant Bay.

Q. Inshore?—A. No; offshore.

Q. How many did you secure?—A. The balance of the trip.

Q. Where did you land that cargo?—A. We came over to Little Canso and sold them there.

Q. Where did you then go?—A. We went back and fitted out for the bay.

Q. For mackerel?—A. Yes.

Q. Where did you fish?—A. Chiefly about Margaree, Port Hood, and East Point.

Q. Around the Cape Breton shore?—A. Yes; and at Cheticamp.

Q. Inshore?—A. Right inshore.

Q. Did you get a good fare?—A. Yes.

Q. How many barrels?—A. I almost forget now; but we had a very good trip.

Q. What was your tonnage?—A. I think it was about 60 tons.

Q. Did you get a full cargo?—A. Yes; we obtained what we fitted up for—about 260 barrels, I think.

Q. When did you get through that trip?—A. It was in the last of the season that we knocked off; I think it was the last part of October.

Q. During that year, which you think was about 1861, how many American vessels, in your judgment, frequented the Gulf of Saint Lawrence?—A. Quite a large fleet came to the bay that year.

Q. The average would still be about 600?—A. Yes.

Q. Supposing you are correct as to the year, where did you go in 1862?—A. I went in an American schooner that year.

Q. Where did she hail from?—A. Gloucester.

Q. What was her name?—A. The Marshal Ney.

Q. Where did you ship—at Gloucester?—A. Yes.

Q. How, on shares?—A. Yes.

Q. Where did you go?—A. To the Bay of Chaleurs and other parts of the Bay of Saint Lawrence.

Q. You came through the Gut of Canso?—A. Yes.

Q. Did you pay light-dues or not?—A. In every vessel in which I was the light-dues were always paid when demanded.

Q. Were they demanded, or did you get through without paying?—A. I do not know that these dues were then collected.

Q. Have these dues been collected since 1861, 1862, or 1863?—A. License fees have been since collected.

Q. What did you do on that trip?—A. We obtained a trip of mackerel pretty quickly. We secured somewhere about 250 barrels.

Q. Around Prince Edward Island or Cape Breton?—A. Partly about Prince Edward Island, but we obtained the heft of them over about Margaree.

Q. That is off Cape Breton?—A. Yes.

Q. Close to the shore?—A. Yes; pretty close; so close that we would sometimes be and anchor among the boats.

Q. Were all your fish caught within two miles of the shore?—A. A good many were taken within half a mile of the shore.

Q. And none of them were caught three miles from the shore?—A. None of that trip were taken offshore.

Q. When did the trip end?—Q. I think we got in somewhere about the first week of September. We landed them at Port Mulgrave, fitted out again, and went back to the bay. We landed 250 barrels to be sent home, while we went back to the bay.

Q. If you had had to return to Gloucester, could you have got back that season?—A. We could; but I suppose that we would have very likely lost a trip by it.

Q. Where did you fish when you got back to the bay?—A. About the island; we fished at first along the head of the island, and then we crossed over to Margaree and Cheticamp; we also caught some fish about Port Hood and Cape George. We ran over to the Magdalen Islands once or twice, but were blown away from there.

Q. Did you fish inshore all the time?—A. Yes; pretty much all the time. We ran across from one island to another, and, *en route*, we very often heaved to. We might then probably catch a few, or get none.

Q. Practically, you caught all the fish inshore?—A. We obtained two-thirds of that trip inshore.

Q. How many did you catch that trip?—A. 260 barrels.

Q. What did you then do?—A. We went home.

Q. This was, I suppose, late in October?—A. It was the last of October.

Q. What did you do next?—A. The following year I went in an English schooner, called the Topaz, from our place.

Q. How did you succeed that year? Were you fishing for mackerel?—A. We went for codfish, and proceeded in the first place to the Western Banks; we afterward went northward. We fished chiefly off Bank Bradley and Bank Orphan, and in the mouth of the Bay of Chaleurs, near Caraquette. We used to have to run to Caraquette for bait. We obtained a small trip of codfish, and came home some time toward the last of August. We landed them and fitted out for mackerel.

Q. Where did you catch the bulk of that small trip of codfish?—A. Offshore—on Bank Orphan.

Q. On the Banks?—A. Yes.

Q. Banks Bradley and Orphan?—A. Yes.

Q. Where did you land them?—A. At Harbor Bouche, I think.

Q. Did you afterward go to the gulf?—A. We fitted out for mackerel, and came back to the bay.

Q. How did you succeed?—A. We obtained a very good trip.

Q. When did you complete the trip?—A. In the last of October.

Q. How many barrels did you get?—A. 400.

Q. What was the size of your vessel?—A. About 80 tons, English measurement.

Q. What did you then do?—A. The fish were shipped to Boston.

Q. Where did you catch them?—A. We secured a part of them at Margaree and Cheticamp, and some about the island and Cape Bear.

Q. All within three miles of the shore?—A. The balance we obtained between Margaree and East Point, offshore. We secured about two-thirds of the trip inshore.

Q. The rest you think were caught outside of the three-mile limit?—A. We obtained some outside of this limit.

Q. Do you think that you caught one-third of the trip or less at that distance from the shore?—A. I guess that we got about one-third of that trip outside.

Q. And could you have done so had you not had the privilege of following the fish inshore and bringing them out again?—A. What I call catching fish inshore is when we run close to the shore and induce a school of mackerel to follow us out. Though we then drift off for 10 miles, I call that inshore-fishing, because we fetch the fish from the shore. And if we raise a school of mackerel 5, 6, or 8 miles from the land, I call that fishing offshore.

Q. What did you do next? Had the Reciprocity Treaty expired at the time you made the trip which you just described?—A. I think not.

Q. What did you do the following year?—A. I was then in the same vessel.

Q. You were still in a British vessel?—A. Yes.

Q. What did you fish for?—A. Cod and mackerel, the same as the year before.

Q. How did you succeed with respect to codfish?—A. We did very well.

Q. Where did you take them?—A. Our first trip was made out on the Western Banks, and the second in the Bay of Saint Lawrence.

Q. Inside of the bay?—A. In and up the gulf.

Q. In what part of it?—A. Most of them were taken off Banks Bradley and Orphan. A part of them, about 130 quintals, were taken in the Bay of Chaleurs.

Q. Did you catch cod in the body of Chaleurs Bay?—A. Yes; not within six miles of the shore.

Q. Is the best fishing in the body of the bay, or inshore?—A. A great many fine fish are caught close inshore off Port Daniel. A good many boats fish there.

Q. You refer to codfish?—A. Yes. We would go to Port Daniel for bait, proceeding right inshore.

Q. Port Daniel is on the northern shore of the bay?—A. It is on the starboard hand as you get to the northward, on entering the bay.

Q. There is here a fine cod-fishery inshore?—A. Yes; the boats fish right close inshore.

Q. Is there good fishing four or five miles out from the shore in the Bay of Chaleurs?—A. At times it is very good there.

Q. What about the mackerel-fishery in the body of the bay?—A. I never caught many mackerel in the Bay of Chaleurs.

Q. Inshore or offshore?—A. Neither in nor out. I seemed to have no luck there.

Q. You say that there is a fine cod-fishery farther outside in the bay, and inshore?—A. Yes, it is a good place for boat fishing. There is a large bank there where the herring play in the last of July and beginning of August. Many are taken for bait.

Q. To what bank do you refer?—A. To the Caraquette Bank.

Q. Is this close to the shore?—A. It is 5 miles from the shore.

Q. How far in from the entrance of the bay?—A. I could not tell you. It is quite a little distance.

Q. Twenty or thirty miles?—A. No; it is quite a run up from Point Misco to the bank.

Q. Is it 10 or 12 miles?—A. Yes.

Q. It is situated well into the bay?—A. Yes; right off the town of Caraquette.

Q. It is a very good bank for fishing?—A. Yes, for herring. They are used for bait.

Q. Are squid found there?—A. Not to my knowledge, but it may be the case. I never saw any caught there.

Q. Did the Americans in your time, and do they still, as far as you are aware, catch bait on that bank?—A. I have seen them there after bait.

Q. Did they want them to fish for cod?—A. Yes.

Q. On your different trips mackerel fishing, what bait do you take?—A. Pogies.

Q. These are generally put up on the coast of Maine?—A. Yes.

Q. Where would you buy them if British vessels take them?—A. Our merchants used to import them from Portland, Boston, and Gloucester.

Q. To Port Mulgrave?—A. Yes.

Q. And sell them as articles of merchandise?—A. Yes.

Q. They bought and sold them?—A. The same as a barrel of flour.

Q. After you finished your codfishing trip, did you again go for mackerel that year?—A. Yes.

Q. Did you have a fair trip?—A. Yes.

Q. Did you catch them inshore?—A. Two-thirds or three-quarters of them were caught inshore.

Q. After the Reciprocity Treaty expired in 1866, what was the number of American fleet which came to the bay, taking one year with another—say until 1870 or 1871?—A. In 1866, if I recollect right, mackerel were in the bay. I was that year in the Onyx, an English schooner.

Q. Where did she sail from?—Port Mulgrave, I think.

Q. What did you do?—A. We went after mackerel. I did not go until August. I stayed ashore until that time.

Q. Where did you fish?—A. Just over about the island at first; then we went over to Margaree, Cheticamp, and Limbo Cove.

Q. Around Cape Breton?—A. Yes; we fished also at Port Hood. We stayed there pretty much all fall.

Q. What was your fare?—A. A good one.

Q. What was the size of your vessel?—A. About 60 tons.

Q. How many barrels did you take?—A. Somewhere about 250 or 260, probably more. It was a very good trip.

Q. I suppose that all the mackerel were taken with the line?—A. We got most of them late in October, right in against the shore. We were among a large fleet. The heaviest fishing that I ever saw took place there during two days.

Q. You refer to the American fleet?—A. The greater part of the American fleet was there.

Q. What did the American fleet number that year?—A. I should judge that 300 sail was there then.

Q. And how many British vessels?—A. Probably 50, or 55, or 60.

Q. That would make about 360 altogether fishing in one school of fish?—A. Yes. I think that this was in 1866, or 1867, or 1868.

Q. Then the Americans were there in as large numbers as usual, were they not?—A. A large American fleet came to the bay that year. I

noticed that we could not then take mackerel half a mile off shore. We could not get one mackerel one mile off shore. They kept right in along shore, and the fleet closely followed them from Margaree to Limbo Cove. We stayed with them three days.

Q. Was it the experience of the American skippers that they could not catch fish outside of a mile from the shore that season?—A. When they get in with a school of mackerel, they will not leave as long as they can catch them. The mackerel were then pretty much inshore; they collected in one body, and it extended for miles.

Q. You did not fish any more that year?—A. No.

Q. Did the Americans frequent the gulf the following year in as great numbers as previously—this would be in 1867?—A. I did not then fish until 1868, when I was again in an English schooner.

Q. Was there as large an American fleet as usual in the bay in 1867, as far as you are aware?—A. There was quite a large fleet in. It was a large fleet. A lot of vessels, I think, then brought licenses, but some of them did not do so.

Q. Only a few brought licenses, comparatively speaking?—A. No at great many did so, I guess.

Q. What would be the number of this fleet—500 or 600?—A. I guess it would be 500.

Q. Were you in the bay in 1868?—A. Yes; in an English vessel.

Q. Belonging to Port Mulgrave?—A. No, but to Guysborough Bay.

Q. What did you do that year?—A. I went out late in the fall, and we did very little.

Q. How late was it?—A. The middle of September.

Q. Where did you fish?—A. Up about the island, around East Point, and as far as North Cape and back. We got a few mackerel going up and coming down.

Q. Did you obtain a good fare?—A. No; we took a very poor fare. What few we got we caught off Port Hood close inshore.

Q. Did you get a poor fare because it was late, or because the mackerel did not strike in that year?—A. The best part of the season was then over, and the weather was blustery. We could not stay out like the others in rough weather, because our sails were in a very bad state. This caused our failure in part.

Q. It was the fault of your outfitting?—A. Yes, in part; we besides had poor bait.

Q. You did not have porgy bait?—A. Yes, we did, but it was of very poor quality.

Q. This was in 1868?—A. I think it was along about that time, but I am not certain of it.

Q. The next year was 1869?—A. I did not fish any more until 1871, in the bay.

Q. Was the American fleet in the bay as numerous as usual in the years 1869 and 1870?—A. Quite a number came in and went out.

Q. Was it a large fleet?—A. It was quite large, averaging 500 or thereabouts.

Q. Now take 1872?—A. In 1871 I went in an English vessel.

Q. Did you fish for mackerel or cod?—A. We fished for mackerel.

Q. Where?—A. About Port Hood, and Margaree, and along there. I did not go out until late in the fall, and made short trip.

Q. What was your success?—A. We caught about 50 barrels.

Q. You went out very late?—A. It was toward the last of September.

Q. That is very late in the season?—A. O, yes.

Q. You were lucky, considering the short time you fished?—A. We

did very well for the time we were there, having only a small vessel and a small crew.

Q. What was the size of the vessel ?—A. About 45 tons.

Q. How many men were on board ?—A. I think ten.

Q. How long did you fish ?—A. Only two days. The weather was such that we could not fish the greater part of the time. We got all our fish in two days.

Q. Did you fish in 1872 ?—A. Yes. I then went in an American schooner.

Q. What was her name ?—A. Colonel Cook.

Q. Where did she hail from ?—A. Gloucester.

Q. Who commanded her ?—A. George Bass.

Q. Where did you go ?—A. Over to the Island first.

Q. Where did she land the fare she took ?—A. At Port Mulgrave. She was then fitted out and went back.

Q. They were permitted to land the fish at Port Mulgrave, notwithstanding the fact that the Reciprocity Treaty had expired ?—A. Yes; I never seen any person prevented from landing a cargo.

Q. They all landed their fares ?—A. Yes.

Q. And you went right back ?—A. I had been working on the wharf, and I shipped and went to the bay for mackerel. We went first over to the island and caught some mackerel; we also took some over at Margaree. The cutters were in the bay that year.

Q. What did you succeed in obtaining ?—A. 400 barrels.

Q. At the second trip ?—A. Yes.

Q. When did you enter the bay on the second trip ?—A. Some time in August, and we soon returned.

Q. What was the size of the vessel ?—A. 80-odd tons.

Q. Did you ship on shares ?—A. Yes.

Q. Where were most of the fish caught—inshore or outside ?—A. Inshore.

Q. What proportion was caught inshore ?—A. Three-quarters of the fare.

Q. Did you while on that trip see much shore fishing carried on in boats along Prince Edward Island ?—A. O, yes; there were a good many boats engaged in fishing around the island.

Q. How did you treat the boats ?—A. The vessel in which I was never interfered with the boats. We did, however, sometimes heave to and drift among the boats.

Q. What is the effect of this on the boat fishing ?—A. We would take their mackerel.

Q. The boats have to go ashore when you drift among them ? Do they have to leave ?—A. I have seen them in such cases compelled to get out of the way. At Margaree we anchored on the spring, so close to the boats that they had to move away from us.

Q. Otherwise you would swamp them ?—A. We did hurt one fellow a little; but the skipper paid for the damage done.

Q. Was he sued for it ?—A. No. The man came on board and his claim was settled.

Q. What was this skipper's name ?—A. George Bass. The damage, however, was a trifle.

Q. You come in, throw out the pogie bait, and draw the fish out from the boats ?—A. We throw out bait, of course, and we get a fare as soon as we can.

Q. And you thus draw the fish away from the boats ?—A. Very likely we do. Of course the fish will follow the best bait.

Q. What was the number of the American fleet in the bay in 1872?—  
A. It was quite large. There were from 400 to 500 sail.

Q. What about 1873?—A. I was then in the bay, fishing. It was a good year for mackerel.

Q. Was there a large American fleet in the bay that year?—A. Yes, quite.

Q. Was it not an unusually large fleet?—A. I think that the cutters were not there after 1872.

Q. You went in the bay in 1873 in an American vessel?—A. Yes, in the same vessel.

Q. Were the cutters then in the bay?—A. I think not.

Q. During the season the cutters were there did they succeed in keeping you outside of the three-mile limit?—A. During one year that we were in the bay we used to keep off, of course; while they were there we kept off shore more than if they were not there, but nevertheless, we fished inshore. If a cutter then came in sight we got out of the way.

Q. Would you watch the movements of the cutters, and when she left would you go inshore again?—A. Very likely we would. This is the most likely thing that we would do under such circumstances. I guess that we watched the cutters about as well as they watched us. We wanted to get all the fish we could wherever we could secure them.

Q. And you found that the best places for catching fish were inshore?—  
A. Yes; this has been the case ever since I have fished. My experience is that the most are caught within three miles of the shore.

Q. The year 1874 was a very good one, was it not?—A. I was not in the bay that year.

Q. What did you get in 1873?—A. I shipped that year in August. We came in, fished, and landed our first trip 300 barrels. We caught something over 300, but we kept some on hand. The captain told me that they caught 400 barrels on their first trip that season.

Q. I understand that during the previous year in two trips you took 800 barrels?—A. The first year we caught 800 barrels, and 400 barrels during the first trip the following year, and when I went in her we took 360 barrels.

Q. That made 760 barrels for these two trips?—A. Yes; this was in 1873.

Q. And you caught 800 barrels in 1872?—A. Yes. We caught the greater portion of the fish in 1873 down about Cape Low, Cape Breton, close inshore.

Q. In 1874 you were not fishing in the bay at all?—A. I have not been there since.

Q. Was there not a large American fleet in the bay in 1874?—A. Yes.

Q. What would you say was the number that year?—A. I think that the average was about the same. The number might have fallen off slightly.

Q. What do you say about 1875 in this respect?—A. The number of the fleet had then greatly fallen off.

Q. Do you know the reason why?—A. One reason was because the mackerel were not plentiful that year as formerly.

Q. Do you mean in the gulf?—A. Yes.

Q. But there were more of them on the American coast than usual?—  
A. They had good doings at home in 1875, and also in 1876 particularly. They would not come down to the bay for mackerel when there were good doings on the American coast.

Q. I believe that the Gulf of St. Lawrence is full of mackerel this

year.—A. The prospects are very good. We receive very good accounts respecting the fishery.

Q. How many American vessels have entered the bay to your knowledge?—A. I have kept count of those that have passed through the Strait of Canso since the 21st of July, and I have counted 78, and I am certain more have gone through of which I have not heard. I am informed that one vessel is down at Sydney fishing. She did not come through the Strait of Canso at all.

Q. She is fishing on the other side of the Island of Cape Breton?—A. Yes.

Q. Are you aware that there is a large American fleet either in the bay now or expected to be in there this season?—A. It has been reported since I left home that there would be a very large fleet in the bay this year.

Q. And the prospects are that the bay fishery will be as good as ever this year?—A. The prospects are very good indeed.

Q. There are prospects of a good mackerel fishery?—A. Yes.

Q. Would it be possible for American fishermen to prosecute the mackerel fishery in the gulf unless they had the right to come within the three-mile limit?—A. I should think not. I would not go in a vessel unless I could get fish where I pleased, inshore or offshore.

Q. If the Americans were kept out of the three-mile limit could they successfully prosecute mackerel-fishing in the gulf?—A. I think they could not do anything; they would not catch anything, and it would not be worth while for them to come.

Q. Would they not lose money?—A. Yes.

Q. Then American fisherman in the gulf fishing for mackerel must have the privilege of the inshore fishery?—A. In my judgment they must.

Q. Now, by the Treaty of Washington, they may land and go in and get bait; do you hold that to be any privilege, for instance, to an American cod-fisher?—A. It is a great privilege to be allowed to go in and get bait and ice where they choose.

Q. Explain why you think it is a great privilege with respect to ice.—A. The ice preserves their bait.

Q. Since the treaty they have come in and got ice?—A. Yes.

Q. Are you aware as to whether they were in the habit of coming in and getting ice before 1871?—A. They used to come in before 1871, but the ice-houses were not then so plenty as now—there was scarcely an ice-house there then.

Q. They require ice to keep the bait fresh for cod-fishing on the banks?—A. Yes.

Q. Take the privilege given to Americans of transshipping and landing cargoes; do you think it is an advantage to them?—A. I think it is a great advantage to an American fishing in the bay, for if he wants to make another trip he has the privilege of transshipping his fish, refitting, and can then return.

Q. Does the privilege of transshipment enable the American fishermen to take advantage of high markets?—A. He can transship the fish, generally, pretty soon. Steamers run there which carry the mackerel.

Q. Is the privilege of transshipment equal to an extra trip?—A. I have known it to be equal to an extra trip.

Q. Is it, in your opinion, equal to an extra trip?—A. Yes; because it is at the best season of the year.

Q. They would otherwise lose the best part of the fishing season?—

A. As good a part of the season as there is, and the best weather; that is between the first and second trip.

Q. It gets stormy in the gulf toward the fall of the year?—A. Yes.

Q. What do you say is the effect of seining on the fishery?—A. I have never been purse seining. I have never seen a vessel with one of those seines.

Q. You have heard American fishermen speak of the practice?—A. Yes.

Q. What did they say?—A. Some say, as I know, that it spoils the fishing—that it ruins the fishing.

Q. Do they give any reason for that opinion?—A. I heard a skipper say it frightens the fish and destroys a great many small fish, of which they make no use.

Q. Do they say they would be glad to have it abolished?—A. Some American captains told me this summer they would sooner have it abolished than allowed to go on the way it is practiced.

Q. Did they then tell you whether it had destroyed their own fishery?—A. They have told me it has injured their fishery, and it is my opinion that if it is allowed to be carried on two years longer in our bay, we shall have no mackerel to catch, because the seining will drive them away and destroy them. No later than this week an American schooner was up to Gaspé, went around a school of fish with a seine, mostly herring, and filled the seine full of solid fish. They meshed in the seine and a large number were killed.

Q. That, of course, is destructive to the fishery?—A. Of course, it is destructive to inclose such a large quantity of fish, for a large number were unfit for anything.

Q. Your opinion is that if seining is continued for two years on your shores the mackerel fishery there will be destroyed?—A. Purse seining is an injury to the mackerel fishery.

Q. If allowed to be pursued two years more it will destroy the mackerel fishery there?—A. If allowed two years more the seining will destroy the fishing. The seiners will scare away from the grounds the fish they don't kill.

Q. And American captains think seining destroys the fishing?—A. Yes; and would sooner that it was abolished altogether, both at home and here.

Q. Have you heard from them whether they intend to get more shallow seines for the fishing inshore than the seines they have?—A. Yes.

Q. What have they said?—A. I have a son-in-law captain of an American fishing schooner. I asked him how deep his seine was, and he told me seventeen fathoms. He said he knew it was too deep and he was going to reduce it before he fished for mackerel in the bay with it. I have heard that they would reef the seines instead of cutting them, and afterward use them the full size.

Q. Has any American captain spoken to you of the prospect of good fishing in the gulf?—A. Yes; Captain Joyce said there was a good prospect for mackerel-fishing. He had got 300 barrels in the schooner Alice, and he went home.

Q. How long was he taking the 300 barrels?—A. From three weeks to a month. Not longer than a month.

Q. That is a very good catch?—A. He got them all in two or three small hauls. He caught them all with seine.

Q. Inshore?—A. In very shoal water.

Q. Did he say or do you know how many American vessels are com-

ing down this year?—A. It is reported there is going to be a large fleet. When vessels arrive and the captains are asked as to the fleet, they say there are more vessels coming, and that if they cannot get mackerel at home they will all come here. The Cape Ann fleet and Booth Bay fleet I refer to.

Q. Can you tell the Commission where, according to your experience and observation, the mackerel breed?—A. Yes; I think I can.

Q. Where do they breed?—A. I think they spawn a great deal off Cape North, Prince Edward Island, all along the ground down to Point Miscou. That is the first place to catch mackerel in the spring with hooks.

Q. Have you seen them spawning there?—A. I have caught some with half the spawn in them, some full of spawn and others which had lost the spawn.

Q. Do you know whether any spawn on the north shore of Bay Chaleurs?—A. They go into Bay Chaleurs, and I think they spawn there. They spawn a great deal in Antigonish Bay, Port Hood, and along the coast. They catch mackerel there after spawning.

Q. The fish spawn there?—A. It is my opinion they spawn there, because they are caught there very early in the season after they have done spawning.

Q. Has your attention ever been directed to the throwing overboard of offal by American vessels? What is your opinion of the effects of that practice on the fishery?—A. It hurts the fishing-grounds.

Q. Can you catch fish after you have thrown offal overboard for some days or weeks?—A. You can catch fish.

Q. How long after you have thrown offal overboard?—A. We have thrown offal overboard and gone to work fishing, but probably we drifted off the ground where we heaved the offal. I can say nothing about that matter; I don't know.

Q. You think the practice is injurious to the fishery?—A. Yes; I think it is injurious.

Q. Is the privilege given to Canadian fishermen, under the Treaty of Washington, of fishing on the American coast, of any value; and, if so, what value, to Canadian fishermen?—A. I have never known it to have any value to any of them. In my opinion it is of no value at all.

Q. When is the last time you were on the American coast fishing?—A. I was in the schooner A. G. Brooks. I omitted to tell you that. I forgot what year it was, but I recollect the vessel. That was the last year I fished on the American coast.

Q. What catch did you succeed in getting?—A. We were part of the season in Bay Saint Lawrence, and went home about 12th September; fished on the coast, and got 12 barrels for the rest of the season.

Q. Did you get these inshore?—A. Boston Bay.

Q. How far from the land?—A. About 10 miles off land.

Q. Not inshore at all?—A. No.

Q. You never returned to the American coast?—A. Not fishing.

Q. In your judgment the privilege of fishing on the American coast is really no privilege at all?—A. No privilege to us.

#### No. 20.

JAMES PURCELL, inland revenue officer and collector of light dues, Port Mulgrave, Strait of Canso, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. How many years have you lived at Port Mulgrave ?—Answer. Some forty years.

Q. What occupation have you followed during that time ?—A. For the first twenty years I followed fishing and trading. For the last twenty years I have been a revenue officer and collector of light dues.

Q. Have you ever fished on board American vessels ?—A. No.

Q. Altogether on board British schooners ?—A. In my own vessels.

Q. What branch of the fishery do you prosecute ?—A. The cod and mackerel fishery.

Q. Do you remember when the Reciprocity Treaty came into force ?—A. Perfectly well.

Q. Do you remember when the treaty was abrogated ?—A. Perfectly well.

Q. You lived in the Gut of Canso during that time ?—A. I did.

Q. Were you at that time collecting light dues ?—A. The Reciprocity Treaty came into force in 1854. I became revenue officer and collector of light dues in 1856.

Q. Then during nearly the existence of the Reciprocity Treaty you collected light dues ?—A. Nearly so.

Q. In your capacity as collector had you an opportunity of judging with accuracy the number of American vessels which passed through to the bay ?—A. I had.

Q. Describe what were your opportunities.—A. I was bound to board every vessel and demand light dues, and if they had not been collected at some other port to collect them.

Q. You had facilities for doing so ?—A. Yes.

Q. What were your facilities ?—A. The revenue boat and 4 men.

Q. Did you succeed in boarding every vessel ?—A. I don't say I could have boarded all. I boarded as many as I could. Some, even many, would escape, but I boarded as many as I could.

Q. Would the light-dues collected be a fair return as showing the actual number of vessels that passed through the Gut of Canso ? Suppose twenty vessels came along, would you be able to board the whole of them ?—A. Sometimes I would not be able to board half of them.

Q. Can you give the Commission any estimate of the average number of the American mackerel fleet that frequented the bay during the existence of the Reciprocity Treaty ?—A. To the best of my opinion there were from 500 to 600 vessels on an average. That is, the average of each season.

Q. After the abrogation of the Reciprocity Treaty, did the American fleet increase or decrease ?—A. It decreased.

Q. Till when ?—A. After the license of \$2 per ton came into force the fleet decreased; afterward an arrangement was made for 50 cents a ton, and then the fleet came nearly as usual.

Q. What years do you speak of ?—A. 1868, 1869, and 1870; those are the years the license system was in operation.

Q. What would you place the American fleet at during the years from the abrogation of the Reciprocity Treaty until the adoption of the Washington Treaty; say, up to 1871 ?—A. I don't think there would be a great diminution.

Q. Pretty much the same average as during the existence of the Reciprocity Treaty ?—A. I think so.

Q. Has it continued the same since 1871 ?—A. On to 1873. In 1873 there was a large fleet in the bay, and the vessels did well. Up to that

year I speak with authority, but in 1874 and 1875 I was away, my revenue duties leading me to travel around Cape Breton.

Q. Give the Commission the results of your observation.—A. My observation was that till 1873 the fishing-fleet continued pretty nearly the same as during the Reciprocity Treaty.

Q. Since 1874 the number of vessels has fallen off?—A. Yes.

Q. Can you give an approximate idea of the number of the fleet during the two years 1875 and 1876?—A. I could not give you an idea.

Q. You were there?—A. Occasionally I was at home, but I was away often. I was traveling in the interests of the revenue around Cape Breton.

Q. Your duties would enable you to know the quantity of fish caught by the American vessels?—A. Yes.

Q. Can you tell the Commission what was the average take of the fleet?—A. My opinion is that the vessels would average about 250 barrels a trip.

Q. And how many trips would they make a year?—A. Some years during the war the average was higher. I take the whole thing as a general average, good and bad years as they come.

Q. Would two trips be an average per season?—A. Yes, except during the time of the war, when they made all the trips they could; they made more than two trips.

Q. You fished in your own vessel?—A. Yes.

Q. In what parts of the bay did you fish?—A. Round Prince Edward Island, North Cape, Margarie, Cheticamp, and off Port Hood.

Q. That is chiefly around the shores of Prince Edward Island and Cape Breton?—A. Yes.

Q. At what distance from the shore did you generally take mackerel?—A. About a mile and a half from shore, sometimes closer in, often closer.

Q. Did you take any material portion of your mackerel outside of the three-mile limit?—A. I never recollect to have caught any mackerel farther from land than three miles; except at one time when we caught some mackerel off Fisherman's Bank, off Georgetown, about nine miles from land.

Q. Your operations were confined to the shores of Prince Edward Island and Cape Breton, and you always caught mackerel within the three-mile limit?—A. We always concluded to fish inshore; that was where the mackerel were and where we proceeded for them.

Q. Will you state the number of boats engaged in mackerel-fishing off Cape Breton?—A. I cannot give you an idea of the number of boats on the east or south side, but from Cheticamp to the Strait of Canso there would be something like 1,000.

Q. How far offshore do the boats catch the fish?—A. Right along shore.

Q. Practically on the shores of Prince Edward Island and Cape Breton, all the mackerel are caught within the three-mile limit?—A. All the mackerel I have seen caught were within three miles, on both shores.

Q. You have seen American vessels fishing?—A. Yes, thousands of times.

Q. Where do they fish?—A. Along the shore, among the boats, wherever the fish were.

Q. Did you ever see them fish out in the deep sea?—A. I never did. They might have fished there, but I was not there to see them.

Q. From your experience of thirty years' fishing in your own vessel, and your knowledge, as a general rule, you saw them fishing within

three miles of shore?—A. I always saw them fishing along the shore, up and round Prince Edward Island and Cape Breton.

Q. Suppose the Americans were excluded from the inshore fishery, what would be the result, in your opinion?—A. The result would be that they would not prosecute the fishery. They would not be such fools as to do so. For my part, I would not fit out a vessel if I were prevented from going along the shore to catch mackerel.

Q. Would you invest any money in it?—A. Not sixpence.

Q. Have you any knowledge of the fishing grounds off the American coast?—A. No.

Q. Have you heard of any British vessel going there to fish?—A. I never knew and never heard of any.

Q. You also prosecuted the cod-fishery to some extent?—A. Yes, I did. Occasionally, when not trading I went cod-fishing.

Q. That fishery is, to some extent, a deep fishery?—A. To a large extent it is. I never saw an American vessel catching cod along our shores.

Q. Where do those who engage in the fishery get their bait?—A. They get their bait in our harbors—they sometimes buy it and sometimes catch it.

Q. What kind of bait do they use?—A. Herring, mackerel and squid.

Q. Have you ever seen them catching bait?—A. I have.

Q. Have you seen them taking squid to any extent?—A. I have seen them catching squid as fast as they could haul them.

Q. In what harbors?—A. At Hawkesbury. I don't know the number of barrels they caught, but I was told the next day that they caught 30 barrels; I don't, however, state that as a fact.

Q. I understand you saw them engaged in fishing, but the actual quantity of squid they took you heard from hearsay?—A. Yes.

Q. But you saw them taking squid?—A. Yes, as fast as they could haul them.

Q. More than one vessel?—A. Fifteen vessels.

Q. At one time?—A. Yes.

Q. Is it to prosecute the cod-fishery that they purchase and catch cod-fishery bait in your shores and harbors?—A. Yes.

Q. Do they get any ice for them?—A. Yes.

Q. Is that essential?—A. Yes.

Q. Explain, as a practical man, why it is essential.—A. They require to go 500 miles to the Grand Banks and Banquereau to catch codfish. They have to take their bait fresh, and if they have not ice to keep it fresh the bait is no use.

Q. Can they use cured bait, clams for example?—A. They cannot fish with clams on trawls; they must have fresh bait to fish on trawls.

Q. They must have ice, and they must procure that ice in our ports?—A. Yes.

Q. So, practically, you state that that fishery cannot be carried on by American fishermen unless they have this privilege of procuring bait and ice?—A. I say so positively.

Q. In your neighborhood, I understand, a good deal of transshipping of mackerel is done by American fishermen?—A. Yes.

Q. Can you give an estimate of the extent to which that right is avoided by them?—A. I have seen at one time, I could not state positively the number, but I heard it was 7,000 barrels on the wharf.

Q. I suppose you could judge pretty well with your eye how many barrels were on the wharf?—A. I could tell pretty well. I saw as many

on Hart's wharf at Hawkesbury as from five thousand to six thousand barrels.

Q. Is that continuously during the summer?—A. I hardly ever have seen the wharf when there was not fish there being shipped by Americans. I have seen our street in Port Mulgrave blocked so that people could not pass, with fish being transshipped by Americans.

Q. It is not an exceptional but a continuous practice?—A. This year if they can catch fish it will be their object to land the fish and have them transshipped and prepare for another voyage.

Q. Do the Americans consider it a very great advantage?—A. The Americans themselves consider it of the greatest advantage. They consider it an advantage because mackerel cannot be caught at all times in the bay. There are times when mackerel can be taken. The latter part of July and August, and September are the principal months that mackerel bite, and the weather is generally favorable. When they are able at that particular time to obtain the fish, every day saved is of great importance; consequently, when they come to land and have the fish transshipped without delay at ports in Canso, they can prosecute the fishery without any obstruction at all.

Q. It is therefore a great advantage?—A. I consider it, and they consider it themselves, of the greatest advantage.

Q. Can you tell the Commission the average catch of the cod fishermen?—A. I could not give you an answer to that question, except as to hearsay. They fit out with fresh bait and ice, and when that stock of bait is out they come into ports on the coast with whatever fish they have on board, and refit with bait and ice, and go down to Bay Saint Lawrence and complete their voyage there. I hear that they go down with 500 barrels, and that they return with 1,000. I have seen the vessels deeply laden, and have asked how they have fared, and they have said they fared well, or, if they had not done so, they would tell me so.

Q. Did their statements agree with your own experience and observation?—A. They did, decidedly, from what I saw of the state of the vessels and the appearance of the cargoes.

Q. As a practical man, had you the slightest doubt that they had made good fares?—A. Not the slightest doubt.

Q. Those things can be judged by the appearance of the vessels?—A. I know perfectly well when a voyage has not been completed or has been unsuccessful.

Q. From actual observation and information furnished by American captains, at how many quintals would you place the average catch?—A. I could not make a statement of that kind. In fact, in my opinion, it would be so large it might appear an exaggeration.

Q. Are you able to give any information in regard to the herring fishery?—A. Yes.

Q. What is your knowledge of that fishery?—A. Do you mean the Magdalen Islands branch?

Q. Both branches.—A. There are, on an average, 50 vessels on the Magdalen coast, average about 1,000 barrels per vessel. They bring a large quantity of herring from Boone Bay, Newfoundland. This year there were some vessels taking large cargoes at the Magdalen islands for Norway, repacking in the Strait of Canso, and shipping them direct to Norway.

Q. Could they have furnished their goods to Norway without repacking them?—A. No, they would have been spoiled.

Q. Is that likely to be a growing trade?—A. It is expected that it is going to be a profitable trade; it has been profitable, and it is a trade to

which the Americans, the Gloucester men, look forward to the prospect of making it very profitable.

Q. Is it prosecuted to any extent already; are there many vessels?—A. I forget how many barrels, probably 10,000 or more, were shipped this season. To be within the mark I say 10,000. I understand they came down fitted out to procure 30,000 if they could; but with the Magdalen Islands the fishery was partially a failure.

Q. The herring fishery round your coast is somewhat extended?—A. Yes.

Q. Do you catch enough herring for bait?—A. Nearly always.

Q. Have you any knowledge of the effect of seine fishing on mackerel?—A. If continued, it will destroy the mackerel fishing.

Q. What are your reasons for holding that opinion?—A. My reason is that when fish become harassed and worried on their feeding-grounds they abandon them finally. I think also that it will ruin those engaged in that branch of fishing.

Q. Are the Americans unable to use their seines in our waters?—A. Last Sunday fortnight, at Harbor Bushy, a seiner took 100 barrels right inshore, where it happened that the water was deep.

Q. Some of the witnesses have said that the American seines were too deep for our shores?—A. That is the reason they assign for not being able to catch fish for the last two years in the bay, that the fish keep too close inshore and their seines were too deep. I have heard that some Americans are supplied with shoal seines and are to some extent being successful now.

Q. From your experience and observation, are you able to state what effect the throwing of offal overboard has on the fisheries?—A. I always heard it had a bad effect. My own experience is that it is an injury to the fish and fishery.

Q. Does your experience lead you to form a strong judgment on the point?—A. I always had a strong opinion that the throwing overboard of offal is injurious to the fishery, and the fish abandon the grounds where offal is thrown. I arrive at that judgment by actual experience and by the opinions of those who have had a larger experience than myself.

Q. What effect has the presence of American vessels on boat fishermen? Does it interfere or injure them?—A. It injures them immensely.

Q. Explain why.—A. When they go in with superior tackle, superior bait, and all other appliances, to where the boats are fishing, they take the fish away from the boats.

Q. The boats fish at anchor?—A. Yes.

Q. And the vessels drift and take the fish away with them?—A. Yes.

Q. Do you know anything of the American coast fisheries? Are they of any value to us?—A. I don't think they are of any value whatever. I never heard they were, never thought they were, and I don't think they ever will be.

Q. Some evidence has been given of the superiority of the mackerel caught on the American coast as compared with that caught in the bay. What is your opinion?—A. It is an admitted fact, from all experience, that the mackerel are never in prime condition until the latter part of September and October. Then they are in prime condition, and those are the two principal months, and always have been, when mackerel have been most abundantly taken on our shores, and finer mackerel are not found in any part of the earth and waters of the globe than in Bay St. Lawrence and round the shores of Cape Breton and Nova Scotia. I have seen American mackerel, have eaten them, and am able to form

an opinion. I know what fish are. No better mackerel can ever be taken than those on our shores. There is this, however, to be said on that point: mackerel, when not long salted, look better and plumper.

Q. They are very delicate fish to keep?—A. They are.

Q. They require great care in hauling?—A. Yes.

Q. The longer they are kept the worse they appear?—A. Unless when very fat. If kept any time in salt they would deteriorate a great deal both in appearance and quality.

Q. You estimate that the superior price attained for American mackerel is due to their being able to put them into the market almost fresh?—A. Yes. As to the quality of the fish, I don't think they have superior fish. It would be strange if they had.

By Mr. Dana:

Q. Do you think it has been of any great value to Americans to be able to land, say in the Strait of Canso, and to buy bait, ice, and other necessaries of life, and fishing and unload and tranship their cargoes there?—A. I should think it is.

Q. Will you state a possible opinion as to whether you think it is of any advantage to them?—A. One advantage that is afforded them is this: by being enabled to land their cargoes at the Strait of Canso they are enabled to catch at least one-third more fish than they could possibly catch if they had to land their fish at their own ports.

Q. They make one more trip than they would make if they took the fish home?—A. Two more.

Q. I want you to state whether you think on the whole the transhipping, the opportunity to purchase bait, ice, and provisions, and refit, are of great advantage to American vessels?—A. They are of great advantage.

Q. Do they avail themselves of it?—A. They do.

Q. Has there sprung up a trade in these articles in the Strait of Canso? Have your people been selling to the Americans largely?—A. Some years they have sold to them largely.

Q. A number of mercantile houses have been spoken of as at Hawkesbury, Port Mulgrave, Ira Cove, Steep Creek, Port Hastings, White Head, and so on; are there parties at these different places who carry on the trade of supplying American fishermen? The Americans buy their bait there?—A. Not for mackerel. They buy their bait for codfish at some of those places.

Q. Advertisements appear in the Gloucester papers that bait, salt, ice, and anything else they need can be bought there. Do you consider that is a pretty stirring and active business?—A. I consider it would be quite unnecessary for those men to advertise in the Gloucester papers that we have bait to sell. They have bait to sell to our fishermen. Those people advertise in a general way; they do not advertise particularly for the American fishermen. We have a western fleet which takes bait, salt, and other supplies.

Q. What is the western fleet?—A. English vessels from the western part of the province.

Q. Are there many of those engaged in the fishery?—A. About 40 sail.

Q. That bears a very small proportion to the number of American vessels?—A. It is pretty small.

Q. Besides, are they not better able to get their own provisions and outfits on the shores where they live?—A. Perhaps it does not suit them always to do so.

Q. They can get home more quickly than the Americans? They don't tranship at the Gut of Canso?—A. I never said they did.

Q. Then the trade in the gut in the way of retailing and purchasing necessary supplies, salt, ice, or bait, whether for cod or other fishing, is mainly an American trade?—A. It is mainly an American trade.

Q. Is it not almost entirely an American trade?—A. I tell you that a large number of our vessels are supplied there. A great many get salt and bait there.

Q. They don't go there to tranship?—A. No.

Q. Nor to refit their vessels?—A. Sometimes I have heard of western men having got some of their refit there.

Q. As a main thing, they are pretty near home and able to communicate with home?—A. They go to the gut principally for mackerel bait, because it is prepared there for them. It is difficult in Halifax to get pogy bait, and they get it there, and at the same time they get other supplies.

Q. That is American bait?—A. Yes.

Q. That has been imported from the United States?—A. Yes, and is part of the American trade.

Q. You have said the Americans cannot get on at all unless they take advantage of these opportunities for refitting, transshipping, and getting supplies, and they get these articles, such as ice, much better from these parties than if they went back to the United States to get them?—A. That is a slight deviation from what I said. I say they could not prosecute the cod fishery without getting this fresh bait. I did not say they could not prosecute the mackerel fishery without these privileges, but I say they could not do it as successfully.

Q. I said nothing about the cod or mackerel fishery.—A. I want to make the distinction, because you said that I said it would be impossible for them to carry on the fishery. I said that, without getting a supply of fish-bait, it was impossible for the cod fishermen to carry on the Bank fishery.

Q. And the mackerel fishery they would carry on at a great disadvantage?—A. Yes; that is just it.

Q. Then the whole American fleet engaged in the cod fishery takes advantage of this, without which you think they could not carry on the cod fishery at all?—A. I don't say they could not carry on the American fishery at all, because I know before the treaty of 1818 they carried on the cod fishery, but we know how. They carried it on with the assistance of bounties.

Q. They could not carry it on to a profit?—A. Yes.

Q. The American vessels, which are large, introduce a very extensive business; is not that so?—A. Yes; comparatively speaking.

Q. Is it not a profitable business to your people to sell to the Americans?—A. It is not to the interests of our fishery.

Q. Is it a profitable business on the whole to those persons who are engaged in it? I don't speak of the moral effect on the character of the people, but as merely a commercial matter. I suppose the people engaged in it find it profitable or they would not engage in it?—A. I could give you no answer to that question, because I cannot tell how successful they have been; what money they have made. All I can tell you is that some have failed.

Q. Do you decline to answer the question?—A. I cannot answer it.

Q. To the best of your judgment it is a profitable business?—A. I cannot say whether it is a profitable business to them or not; I have no means of knowing.

Q. You find men engaged in business; the Americans sell pogies, tranship and refit; you don't know the profits of the Americans?—A. I do not. I only know their advantages in getting fish. I don't know what they make by their voyages.

Q. You find, on the other side, British subjects or others resident there selling articles to Americans and buying American pogies for bait. Every time an American vessel lands to tranship, it employs a good many of your people?—A. No; they do not; they land their fish with their crews, and those men they do business with take care of the fish. I can only speak from what I have seen.

Q. You have seen American vessels come there in numbers?—A. Yes.

Q. You have seen cargoes transshipped?—A. Yes.

Q. They count how many barrels then go out?—A. Yes.

Q. Barrels are bought there to a great extent?—A. In many instances they have been brought from the States there, and very often staves and heads are brought down from the American market and made up there.

Q. My question was, have you not seen and known that to a large extent barrels are sold to Americans for refitting?—A. Yes.

Q. Americans then do, to some extent, employ the people there?—A. They employ them on board their vessels, take them on board to fish with them.

Q. To return to the business in the Strait of Canso; there is this business going on, and you know a good many mercantile houses are engaged in it. If the Americans should withdraw altogether, should not tranship any cargoes, should not purchase anything there, and should not bring bait there for sale, that mercantile business would substantially come to an end, would it not? There are not enough vessels in the 40 schooners you mentioned to keep up that business?—A. Yes. And it would be very lucky if it was ended.

Q. You think they would be better off if they lost the American trade?—A. I do. The only parties who are well off are those who never had anything to do with it.

Q. Then it is a losing trade?—A. So far as I know. Those engaged in it have been ruined, so far as I know.

Q. Then it is a bad business?—A. I don't think they made any fortune.

Q. Have they made any money?—A. I never knew one who had made money from it.

Q. Have they all failed?—A. Those who have not failed are pretty well in slings.

Q. You mean they are very much embarrassed?—A. You may interpret it that way.

Q. But still hold on to it; perhaps they have nothing better to do?—A. Perhaps so.

Q. Then the result seems to be that, speaking of American vessels coming there, it comes down substantially to an American trade, and you think the sooner they are rid of it the better? That is your judgment?—A. My judgment is this, that the facilities Americans have for landing their fish and transshipping it are of great advantage to them. That is my belief from my own knowledge and actual observation. On the other side, my experience has led me to know that those engaged in supplying them have never made anything by them.

Q. Do you think it would be better to have the trade cut off?—A. The only reply I could give is that those men who were not engaged in that trade—I could name them if necessary—Messrs. Paints in the

straits, who never supplied an American vessel, still live, are well off and comfortable.

Q. What is that firm engaged in at present?—A. Buying fish from our own people and selling goods to our own people.

Q. They are not engaged in the American trade?—A. Not as far as I know; if so, it is to a very limited extent.

Q. You don't know that they advertise in the Gloucester papers for American trade?—A. Perhaps they may; if so, it is very recently. One, I know, has not. One put up an ice-house here some time ago. It is no matter what they have advertised. If you wish to test my testimony you can do so by telegraphing to them, and I pledge myself that they will tell you they never supplied 20 American vessels in their lives. I don't say but that they advertised.

Q. How do you account for their advertising?—A. Perhaps they want to extend their business; I cannot tell you that.

Q. They want to lose more money?—A. Perhaps they could find out a way to conduct it more successfully.

Q. You say the best mackerel in the world are to be caught in the gulf in September and October?—A. That is my opinion.

Q. Have you ever been on the American coast mackerel fishing in November?—A. No; I never was on the American coast at all.

Q. Do you know what the American mackerel are on the American coast after they have left you a few weeks, whether they are worse or better, the same schools?—A. When they leave us in October and November, I don't know they have much time to get better or worse when on their coasts.

Q. Have you ever eaten mackerel caught off Massachusetts in November?—A. I have been in Massachusetts and perhaps eaten mackerel there.

Q. Do you ever know of having eaten mackerel caught in November off Massachusetts?—A. I never saw it labeled at the hotel as to what particular month it was caught. Indeed, I never paid particular attention as to whether I eat any or not; I cannot say that I did.

Q. Will you undertake to say that mackerel caught in Massachusetts Bay in November may not be just as good as they are here?—A. I don't say they could not.

Q. I thought you said the mackerel caught in the gulf in October and November were the best in the world?—A. I say, as regards our mackerel, there are none superior to them; that is what I mean to convey.

Q. You fished altogether in British vessels?—A. In my own vessels.

Q. How large are they?—A. Small vessels, 26 tons; we have one now 50 tons.

Q. Have you fished in them?—A. Yes.

Q. How many years were you engaged in fishing in your own vessels?—A. From 1851 to 1856 off and on, not continuously. I never was necessitated to go continually on a vessel. I went sometimes for my health, sometimes for my need, and at other times to look after the men.

Q. When you went in your vessels, did you fish for mackerel close in-shore?—A. Always.

Q. Did you come to anchor?—A. Sometimes. We fished on what we call a spring.

Q. Sometimes you fish on a spring and sometimes you drift? When the wind is off shore, you go as close in as the depth of water will admit and then drift off?—A. Yes; we do that sometimes.

Q. Do you think English vessels ever happen to strike a boat that is

fishing or be in the way of boat-fishing ? We have been told that American vessels drift slowly off, throw the bait, and sometimes get foul of British boats.—A. I never saw them get foul of them.

Q. You never saw an American vessel get foul of a British boat ?—A. I never saw them get foul of any boat.

Q. Not an American vessel ?—A. I never saw one get foul of a boat. I have seen them dash in among the boats, throw bait, and drift off.

Q. You never saw a British vessel do that ?—A. Yes ; I have seen British vessels do so ; we went in among them ourselves.

Q. To foul them ?—A. I never did that.

Q. You go in just as the Americans do ?—A. Yes ; certainly.

By Hon. Mr. Kellogg :

Q. Where were licenses applied for when they were issued in 1868 and 1869, and how were they obtained ?—A. At Port Mulgrave.

Q. For all the fishing vessels ?—A. I could not say.

Q. Was there one place where they were all obtained ?—A. At Port Mulgrave the largest number were obtained.

Q. Is that part of the way in which you know how many vessels passed the Gut of Canso—by the licenses ?—A. I have various reasons besides that.

Q. Did any go through to fish without having licenses ?—A. There were. I know the first year, when the license was so high, scarcely any took out licenses.

By Mr. Davies :

Q. You have not seen American vessels interfering with boats or injuring them ?—A. No ; I have not.

Q. Do you confine that statement to Cape Breton or extend it round the whole coast ?—A. I don't wish to make any statement further than what I know myself.

Q. Over what distance do you wish to extend the statement ?—A. I never saw the vessels run foul of the boats or injure them.

Q. To where do you mean to confine your experience on that point ? Do you mean that they never foul boats at Prince Edward Island ?—A. I know nothing about boat-fishing at Prince Edward Island. When I frequented North Bay there was very little boat-fishing ; it was not carried on to any extent at that time.

No. 21.

FRIDAY, August 17.

The Conference met.

Capt. EDWARD HARDINGE, R. N., C. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. You are post captain in the royal navy ?—Answer. Yes.

Q. Were you so in 1870 ?—A. Yes.

Q. You were on this station ?—A. Yes.

Q. In 1870 were you in command of a vessel of-war, and, if so, state her name, to guard the fisheries in the gulf ?—A. Yes ; the Valorous, a steam-frigate, stationed on No. 6 station.

Q. Station No. 6 is in the gulf. Describe where it is.—A. From North Point, Prince Edward Island, to Cape Wolfe, thence across to Richibucto Head, along the coast of New Brunswick to Cape Rozier.

Q. You were stationed at Bay Chaleurs on the Quebec side of the bay ?—A. Yes.

Q. How many men had you on board ?—A. Two hundred and thirty-five.

Q. How many guns ?—A. Twelve guns.

Q. When did you enter the gulf ?—A. I entered the station on 15th July, and I must have entered the gulf some days earlier, because I coaled at Pictou before proceeding to my station.

Q. As you came up the gulf toward your station, did you see many, or any, American fishing-vessels ?—A. Passing up Northumberland Strait I saw very few, but on reaching Mirimichi, off Mirimichi River, we came into a fleet of fishing-vessels.

Q. When you got to Mirimichi Bay did you see fishing-vessels in there ?—A. Not inside the bay. I saw a fleet of 53 sail; I have it recorded. They were outside the limits.

Q. They were Americans ?—A. They were all Americans.

Q. What were they doing when you saw them ?—A. They were sailing.

Q. Not fishing ?—A. Not fishing.

Q. When they fish they lie to ?—A. Yes.

Q. How many days altogether were you upon the station ?—A. I was actually on No. 6 station only twenty days.

Q. How many days were you in the gulf ?—A. About sixty days.

Q. You were only twenty days on the station ?—A. Only twenty days actually on No. 6 station. It was upwards of sixty days from the time of passing through the Gut of Canso to returning to it again.

Q. What sort of a steamer did you command ? Was it one which could be seen at a distance ?—A. It was a paddle-wheel steam frigate, between 1,200 and 1,300 tons, 400 horse-power, with large paddle-boxes.

Q. How far distant could the vessel be seen on a clear day ?—A. A full-rigged ship of that tonnage could be seen a long distance. From the peculiarity of her paddle-boxes at five miles distant she might be told exactly.

Q. And known, of course, to be a man-of-war ?—A. Yes.

Q. If she could be seen five miles off, and American fishing-vessels were within the limits, could they not easily sail out before you could get hold of them ?—A. Naturally, certainly.

Q. Such a steamer as that, so large and visible at a great distance, would not practically be of any very great use for the purpose of catching fishing-vessels within the three-mile limits ?—A. Practically, I found it none at all.

Q. It was useless for that purpose ?—A. Almost useless.

Q. When you were in the gulf, I think there were American vessels of war also ?—A. I met with three; I think Nipsic, Frolic, and Guard.

Q. What were their sizes ?—A. The Frolic and Nipsic were steamers. The Nipsic was a large corvette, carrying 4 guns and 100 men. The Guard was a sailing-ship with 110 men, and I think 4 guns. I don't know what the Frolic carried.

Q. You co-operated with the American commanders ?—A. Yes; I visited them and they visited me.

Q. You got on cordially enough ?—A. Yes.

Q. Were there other vessels belonging to the British Navy also protecting the fisheries ?—A. I think there were seven.

Q. Each having its own district ?—A. Yes. There were six stations and occasionally there would be two vessels on one station.

Q. Do you remember the names of the British men-of-war ?—A. They

were the Royalist, Philomel, Plover, Britomart, Cherub, Sphinx, and Lapwing.

Q. During those twenty days when you were on your station, did you see with your own eyes any American fishing-vessels within the limits ?—A. Frequently.

Q. Where did you see them ?—A. Off Mirimichi, on the coast between Mirimichi and Bay Chaleurs and in the bay.

Q. How many at one time ?—A. I have seen thirteen at one time within the limit, fishing ; by the time I got down they were outside the limit.

Q. Did you board any of them after they got outside ?—A. No, not those outside. On one occasion, off Miscou, I boarded a vessel when she came out of the three-mile limit ; she had been fishing inside. She was the Glenwood, of Gloucester.

Q. Miscou is one of the points off Mirimichi ?—A. At the entrance of Bay Chaleurs, on the south side.

Q. Did you speak to them ?—A. I went on board myself. I asked the captain if he was aware of his position. At first he said he was not. On asking him if he had no instructions, he produced Mr. Boutwell's circular.

Q. Mr. Boutwell was Treasurer of the United States ?—A. Yes. I cautioned the captain and left him. He was three miles from the land by the time I got on board.

Q. Did you see the fish they had taken ?—A. Yes ; the fish had just been previously taken ; they were actually alive at the time.

Q. Going up Bay Chaleurs, were you aware that the Americans were practicing seining in those waters at that time ?—A. Not in Bay Chaleurs.

Q. In Gaspé Bay ?—A. Yes.

Q. Where were they practicing it ?—A. On the sand banks forming the harbor of Gaspé.

Q. At that time they did not use purse seines, I believe ?—A. I don't think purse seines were then in use ; they certainly were not general. This was a large seine for hauling to the beach and could not be worked off the beach.

Q. It could not be worked by taking it towards the vessel ?—A. It was not fitted for that.

Q. They actually had been seining on this sand bank at Gaspé ?—A. Yes.

Q. Did the inhabitants complain of this kind of fishing ?—A. Yes, they complained to me.

Q. What did they say ?—A. They said that it did great injury ; that small codfish were brought to land when the seine was hauled ; that the locality was a favorite breeding place for the cod, and that the seines were round them when fishing in their boats, and consequently they had to haul up their lines and leave.

Q. The seines not only drive off the boat fishers, but destroy the small cod ?—A. Yes ; I understood it in that way from what they told me.

Q. Was any complaint made of the way in which American fishermen deal with their offal ?—A. Yes ; off Paspebiac.

Q. That is on the north shore of Bay Chaleurs ?—A. Yes. They complained that the offal thrown from American vessels fed the codfish, and the fishermen were unable to take them. The cod fishery, I believe, is the chief fishery at Paspebiac.

Q. Paspebiac fishermen fish more or less for Jersey houses ?—A. Yes. They fish on the north shore, from Paspebiac to Perce.

Q. Are you aware whether the Jersey houses encourage the mackerel fishery?—A. The information I obtained was that they do not encourage fishing for mackerel.

Q. They are entirely interested in the Mediterranean and Brazil trades!—A. Entirely in the cod fishery.

Q. And the cod fishery they complained was interfered with?—A. Yes; by the offal feeding the fish, and the fish not taking bait in consequence; the fishing season being comparatively limited.

Q. During those twenty days you were on the station, I understand that, although you frequently saw American vessels outside the three-mile limit, you never saw one lying-to fishing?—A. Outside the limits they were generally under way, either beating to windward or going to leeward. I don't know that I ever saw one fishing; they were always moving.

Q. Did you learn, either from personal observation or from the fishermen or inhabitants on shore, whether the best fishing was within the three-mile limit or without?—A. Within three miles, without a doubt.

Q. There seemed to be no two opinions on that point?—A. None whatever.

Q. As far as your experience and observation go, the outside fishing for mackerel is of no account whatever?—A. That is my opinion, not only from my experience on my own station, but from information I obtained, when detained at Charlottetown, with respect to Prince Edward Island; which was not, however, on my station, and with which I had nothing to do.

Q. You did not get any information to the contrary?—A. None at all; always to that effect.

Q. I suppose you never returned to the gulf officially after 1870?—A. No.

Q. Did you discover that a large portion of the fish which was caught either by British or American fishermen that year, was sent to Charlottetown and shipped from there as American fish?—A. It was generally so understood, and it was reported there that Nova Scotia and Island fishermen got better prices at Charlottetown than anywhere else.

Q. It was shipped by some parties there. There were two steamers, or one at all events, the Alhambra, that ran direct from Charlottetown to some American port?—A. Yes, to Boston. I think there was another, the Georgia.

Q. Do you remember how often they went a week?—A. I cannot say how often.

Q. Fish were transshipped by them?—A. Fish were put on board those steamers.

Q. Did any instance of transshipping by American vessels come within your knowledge when you were there?—A. Yes, one case occurred. The vessel was the Clara B. Chapman, of Gloucester. It was during my absence from the port. She landed fish which was transshipped—100 barrels, I think.

Q. Where did she land them?—A. At Charlottetown. It came to my knowledge by my leaving behind an officer with a boat to watch.

Q. It was done during your personal absence?—A. Yes.

Q. Are you aware of any transshipping having taken place at Canso?—A. No; Canso was not within my station.

By Mr. Foster:

Q. Were you engaged in the same coasting any other year than 1870?—A. Only in 1870.

Q. You have named the different British vessels that were there?—  
A. Yes.

Q. And how many Canadian vessels were there?—A. Those I fell in with were the England, La Canadienne, Stella Maris, and Ella G. McLean.

Q. How many others did you hear were there?—A. I don't know what others were there except the Lady Head on which was Captain Scott.

Q. Have you any means of knowing how great was the expense of keeping up this watch on the fishing-grounds?—A. Do you mean men-of-war or Canadian vessels?

Q. Take whichever you know about?—A. The expense of the men-of-war must have been extreme, because our orders were to cruise with fires banked ready to use steam at any moment. In my own ship it was a case of constantly keeping up steam.

Q. Perhaps you can estimate in round numbers the whole cost to Her Majesty's Government of maintaining vessels on the fishing-grounds that year?—A. I cannot.

Q. Would it be more or less than £100,000?—A. I can hardly say; I should be sorry to commit myself to any amount.

Q. Perhaps you would be willing to make an estimate of the outlay by your own vessel?—A. My own vessel was coaled twice, as far as I can remember, taking in each time 200 tons.

Q. Without giving the figures, you believe the expense of maintaining those vessels would be an extreme one?—A. Yes.

Q. You did not succeed in effectually driving outside fishermen from the inshore fisheries of the coast?—A. As I passed along they went out, and when I had passed by, I am informed, they ran in.

Q. The efforts made, then, were ineffectual?—A. Yes.

Q. And cost a great deal of money?—A. Yes.

Q. I will ask your judgment as to whether it is a thing which can be done without vast expense?—A. It must be an expensive matter at all times to watch a long coast-line.

Q. A vast expense?—A. A heavy expense.

Q. Then, if, for the purpose of protecting the inshore fishery, Her Majesty's Government or the Dominion Government undertook to guard the coast in the way the English coast is guarded to prevent smuggling, it would cost a great deal of money?—A. Undoubtedly.

By Mr. Thomson:

Q. Of course, there was a very large expense incurred; there must be that?—A. Yes.

Q. I suppose if Great Britain took a less liberal view than she has done and sent men-of-war to the Gut of Canso to catch offending vessels as they went through, there would not be much trouble or expense in seizing them?—A. Clearly so.

By Mr. Foster:

Q. They would go round Cape Breton?—A. They might go round Cape Breton.

By Sir Alexander Galt:

Q. You have mentioned that there were American war-vessels also in the gulf. Do I understand they were sent out by the United States Government to co-operate with you in preventing encroachments?—A. Yes; and we were ordered to co-operate frankly and cordially with them.

Q. So that the two governments were in accord both as to incurring expense and preserving the peace?—A. Yes.

No. 22.

JOHN NICHOLSON, 43 years of age, fisherman, Louisburg, Cape Breton, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. During how many years have you been engaged fishing?—  
Answer. I may say since I knew how to go in a boat. I have been fishing in vessels in deep water for 25 years.

Q. Where have you been fishing during that period?—A. I have been at the Grand Banks, Bay Chaleurs, and all round this coast; but principally at Grand Banks and Bay Chaleurs.

Q. Have you been occasionally at other places?—A. All along the American coast fishing for mackerel.

Q. Have you been commanding a vessel?—A. Yes.

Q. During how many years?—A. Fifteen years.

Q. Did the vessel belong to yourself or other parties?—A. To other parties.

Q. Were they Canadian or American vessels?—A. American.

Q. Where from?—A. Provincetown.

Q. Always from that place?—A. I sailed from there about every time I went fishing.

Q. What was the average tonnage of the vessels you commanded?—  
A. They would be from 45 to 80 tons.

Q. Describe to the Commission where you carried on the fishery at the commencement of the season?—A. We fished on Grand Banks.

Q. There you fished cod?—A. Cod and halibut.

Q. How much time does a voyage occupy?—A. Sometimes two and three months. I have been gone as long as six months.

Q. When you have a cargo, what do you do with it?—A. Carry it home and land it.

Q. And then what?—A. The owner takes the fish and makes them. Then I proceed on a trip for mackerel, either to American waters or Bay Chaleurs.

Q. Where have you mostly visited, Canadian or American waters?—  
A. I have been mostly fishing for mackerel on the American coast; but I have been, during about ten falls, in Bay Chaleurs and on the shores around Cape Breton, Sydney, and other places.

Q. How many American vessels have you seen fishing with you?—A. There was always a fleet of American vessels, and we went together.

Q. How many American vessels have you seen fishing for mackerel at one time in Canadian waters?—A. I should think as many as 300 sail in one fleet distributed along the coast. I did not count the fleet; I am only making an estimate.

Q. That is the number to the best of your knowledge?—A. I should say 300 sail, as far as my eye could extend.

Q. For what was the fleet fishing, for mackerel or cod?—A. All for mackerel.

Q. At what distance from the coast were they generally fishing?—A. They generally fished from close to the rocks till they got away off 15 or 20 miles, where they could catch fish.

Q. Of this fleet of 300 vessels how many were fishing within three

miles of the coast, or in any of the bays?—A. About all of us were within three miles of the shore—the whole fleet.

Q. What do you mean when you say that the vessels extended as far out as 15 or 20 miles?—A. Sometimes they do when they are fishing; they go wherever they can get fish. If the fish are inshore, they run right in until they are obliged to get under way to prevent going on the rocks. Perhaps at other times the vessels will have to go 15 miles out. They fish sometimes off and sometimes on shore.

Q. What proportion of the fish taken by the 300 vessels was taken within three miles of the shore and what outside?—A. I could not say very well, but we were all catching fish, and I got 75 barrels.

Q. How far from the coast?—A. It was within three miles; I should say two miles off shore.

Q. What catch of mackerel do you make in one season?—A. I have been catching as high as 400 barrels.

Q. Out of those 400 barrels how many were caught within the three-mile limit?—A. About all of them within three miles from shore.

Q. What proportion of the catch made by others was generally taken within the three miles?—A. They were all fishing together, and I could not say what they took inshore and off shore; but I will say this, that most of the mackerel is taken within the three miles; that is, close inshore. This applies to the mackerel I have seen taken. I have taken mackerel close inshore, even with seines. That is in Canadian waters. On the American coast it is different; they go away from the shore.

Q. Within the last eight or ten years have the mackerel been as abundant as they were previously?—A. Not so abundant.

Q. Say up to 1873, did you see Americans fishing for mackerel on the Canadian coast?—A. Yes; I saw one about ten days ago fishing off Flint Island, near Sydney.

Q. Did you see them in numbers four years ago?—A. Yes; about 300 sail fishing along the bay. Some days they were together and some days not so. They all sailed round Prince Edward Island, Cape Breton, and along the shore.

Q. How did you generally fish mackerel, with hook and line or seine?—A. Generally with hooks.

Q. Did you see others fishing differently?—A. I always fished with hooks round here. I have seen fishermen using seines in Canadian waters.

Q. Is seining, such as you witnessed, of a character to injure the fishing or not?—A. I don't see why it should not be. I think it is the biggest injury to the mackerel fishery that ever was.

Q. How do you explain the injury done by seine fishing?—A. In several ways. In the first place, say a seine is taken and they go round a school of mackerel where there are 500, 600, or 800 barrels. The fish are all crushed together. The vessel can only take 250 or 300 barrels; they cannot cure more and the fish will spoil. When they have taken 250 barrels or so they trip the seine and away the rest go. Is not that an injury to the fishing? It will drive the fish off certainly; I think it is a big injury. There is not an American seiner to-day who would not tell you that, although they have to do it; they are all in it, and one has to do it as well as another. It is a plague—it is a bad thing; there could not be a worse thing for the mackerel fishery.

Q. Have you seen American vessels fishing mackerel this season?—A. No. I spoke one off Flint Island, Crest of the Wave, of Gloucester, a seiner; they were trying for mackerel at the time, but could not get any; the fish were not there.

Q. Where was she lying ?—A. Off Flint Island, which is about one or two miles off shore. The season for American vessels to go into Bay Chaleurs is just beginning.

Q. You have fished for mackerel on the American coast ?—A. Yes.

Q. Where is the mackerel generally taken there ?—A. It is taken all the way from Grand Manan to Cape Hatteras. Early in the spring they will go away south and catch mackerel. They follow the mackerel to Grand Manan. Then the mackerel goes west and afterwards south again, and the American fishermen follow them right along. But they are not getting them so plentiful, on account of the seining which has driven them off shore.

Q. Do the mackerel keep along the shore in American as they do in Canadian waters ?—A. No.

Q. How far from the shore are mackerel generally taken in American waters ?—A. They are taken away off, 15 miles sometimes.

Q. By trawls ?—A. Yes.

Q. Mackerel are taken on the high seas ?—A. Yes; when they come early in the spring. On George's Banks they are taken, and the Banks are 80 or 90 miles from the nearest land. They are taken by American fishermen inshore and off shore, when they can get them on these shores or on the American coast. They are always catching fish wherever they can get them.

Q. In American waters, is the largest portion of the mackerel caught within three miles of the coast or outside ?—A. The largest quantity is taken outside.

Q. Have you seen Americans fishing for cod in Canadian waters, inside the gulf ?—A. Yes; not long ago I saw one up here, a little to the west of Halifax, close inshore. She was fishing for cod; her dories were out drawing trawls. I was on board of a vessel going outside.

Q. Is purse-seining and trawling the same process ?—A. No; the trawls are long lines with hooks half a fathom apart.

Q. Do Canadians fish much with trawls ?—A. I have seen but very few in these waters. I have seen them used on the George's Banks by western vessels, but I never saw many round Cape Breton and Bay Chaleurs. I have seen a few.

Q. Have you any explanation to offer as to why mackerel are not so abundant now as in years ago ?—A. Yes; I have. It is due to over-fishing. The fish are caught up so much that there are not so many in quantity. It is just the same with the cod and halibut fisheries. I have been fishing for two months on these shores, where as a boy I used to get plenty of halibut, and yet I have not taken one halibut.

Q. You think overfishing destroys the fishery ?—A. I know by experience it is nothing else.

Q. On what ground do you base the opinion you have stated ?—A. If the fish were outside the three-mile limit yesterday, perhaps they are inside to day, and if we want the fish we go where they are and we catch them wherever they are to be found.

Q. You have been in the habit of fishing for halibut ?—A. Most of my fishing for halibut has been on the Grand Banks in connection with cod-fishing. I always went to the Grand Banks after cod and halibut, and afterwards to Bay Chaleurs for mackerel.

Q. Was it on the Grand Banks or in Bay Chaleurs you remarked the decrease ?—A. In these waters. In the inshore fisheries.

Q. In the gulf ?—A. Yes.

Q. Have you seen an American vessel take a good haul with seine or otherwise ?—A. I have seen one take a fair haul.

Q. What schooner was it ?—A. The William T. Smith of Gloucester.  
Q. When was that ?—A. I think four years ago, in 1873.

Q. How many barrels did they catch at one haul ?—A. Eighty barrels the captain told me. He was in the harbor drying them and I was going out. I said, "Where did you catch your fish ?" He said, "Right at Low Point, outside, close by." I have also seen him shoot his mackerel seine inside Low Point; but he got no catch, and I have seen the same thing done by a great many others.

Q. Does a seiner carry more than one seine ?—A. Some of them have carried two seines of late years; one for deep water and the other for shoal water.

Q. What is the effect of the seining on the schools of mackerel ?—A. It frightens the mackerel. I saw the Schuyler Colfax, of Gloucester, on the same day as the W. T. Smith took 80 barrels at one haul, shoot her seine eight or nine times round fish and never take any. The fish were going southward, and it is pretty hard to purse them when in going that direction. The fish were so keen that they got out of the seine before they could be captured. That scared the fish and was an injury to the fishery; it would have been better if they had taken those schools, in my opinion.

Q. Seining has the effect, then, of breaking up schools of mackerel ?—A. Yes; and of scaring them off shore.

Q. Where do the Americans generally get their bait for mackerel-fishing ?—A. They take some from home, and they get a supply here when they need it.

Q. Do they fish for the bait or buy it ?—A. Both; they buy it mostly, I should say.

Q. What bait is used for taking mackerel ?—A. Herring and what we call slivered menhaden or porgies.

Q. Menhaden is not a Canadian bait ?—A. They take it from home.

Q. I refer to bait taken on our shores ?—A. They are herring.

Q. Which they either fish or buy ?—A. Yes.

Q. Have you seen any American vessels transshipping cargoes ?—A. I have.

Q. Is it an advantage to them to be able to tranship ?—A. I should suppose it is a great advantage.

Q. Describe in what way.—A. If a vessel comes into Canso from North Bay with 500 barrels of fish, she has her trip. The fish can be put on board of a steamer for Boston, and the fishing-vessel will take in her outfit and go right back to the fishing-grounds, and before the steamer arrives at Boston she will have made another trip. That is where the advantage is, and it is a very big one.

Q. How long would it take an ordinary schooner to go with a cargo to Gloucester or Boston, unload, and return ?—A. That would depend upon the wind and weather.

Q. How long, supposing she had fair weather ?—A. She could not do it in much less than three weeks.

Q. Is not that sufficient time sometimes to make another trip ?—A. Yes. If mackerel are plentiful, with a seine a vessel would take a trip in one day if she did not carry more than 250 barrels. In one day she may have a trip. If the mackerel were plentiful, and the vessel required 500 barrels for a trip, she would take the catch in three or four days at most.

Q. Even with hooks ?—A. Yes; with jigs. It would not take her over five days. They have crews of 18 or 20 men.

Q. So that if the fish were abundant, the vessel might lose two or

three loads if she had to return to Gloucester with the cargo?—A. Yes; they would lose heavily.

Q. Can the shore people in their open boats fish to advantage with American schooners alongside?—A. I have seen them altogether fishing for mackerel.

Q. Are they not sometimes embarrassed with the American schooners?—A. Yes; I suppose so. When they are together the boats are in danger of getting squeezed, as is any small vessel when it gets into contact with a large one.

Q. Have you seen trawls thrown out close to shore by Americans? Have you done it yourself?—A. Yes.

Q. For your employers?—A. Yes.

Q. Can fishermen in open boats fish where trawls are laid out?—A. They can.

Q. Do not the presence of the trawls prevent them?—A. There were some vessels fishing at one time close to me, and I went outside and got clear of them. I did not interfere with them, still I was on their ground. The custom with them was not to set any trawls, but I made some flying shots.

Q. Where is herring generally caught?—A. Herring is caught all round this coast.

Q. Far away from the shore?—A. No, close in; in the harbors sometimes.

Q. Have you seen Americans fishing for squid and other bait?—A. I have seen them fishing for squid.

Q. Where is the squid caught?—A. In several places. A great many are caught at St. Ann's and a little to the north of Sydney.

Q. How far from the shore?—A. In the harbor and inshore.

Q. Close to the shore?—A. Yes; in Sydney Harbor they catch them, and in some other places.

Q. Do mackerel feed on shrimp?—A. Yes.

Q. You have seen the shrimp in splitting the mackerel?—A. They are full of it.

Q. Where do the shrimp generally remain?—A. They keep inshore always, quite close to the shore.

Q. Have you seen the Americans drying their nets ashore?—A. Yes.

Q. Is it an advantage to them that they are able to do so?—A. I think it is a good advantage. It is an advantage I like to see myself.

Q. Otherwise they would have to dry the nets on board?—A. Yes, and they could not do it as well.

Q. Is the curing of fish done at certain times on board?—A. Yes, very often.

Q. When it is done on board, what becomes of the offal?—A. It is thrown overboard.

Q. What is the effect of throwing the offal into the sea?—A. A very bad effect indeed.

Q. Describe what effect?—A. It is an injury to the fishery.

Q. In what manner?—A. I don't know but that it will kill fish if they eat it; I suppose they go after it.

Q. When you throw offal overboard, do you generally find the fish remain?—A. It always scares them away from the place and perhaps from the shore. I think it is also an injury to the spawn in the spring, and that it kills them. If the offal were thrown overboard when the fish are newly dressed, I don't think the injury would be as great; but it is kept on board and afterwards thrown overboard, and the injury it then does a very great.

Q. Have you, during the fifteen years you have fished on American vessels, seen many Canadian vessels fishing in American waters?—A. No, I have seen but two during that time.

Q. Where were they from?—A. That is more than I can say. I remember seeing them; it is fifteen years ago. They were fishing mackerel with us in the fleet.

Q. Acquainted as you are with both American and Canadian waters, do you think it is a valuable privilege to Canadians to be able to go and fish up to  $39^{\circ}$  on the American shore?—A. I don't see it is any to them; they have no need to go there; they have their own fishing inshore here.

Q. What quantity of bait do you take when you leave Provincetown to go mackerel fishing?—A. It is according to the trips we fitted for. If we fitted for 500 barrels, we will want 40 barrels of bait; and sometimes we take a few clams with us to help to get the mackerel up, because clams go to the bottom quickly.

Q. When this bait is exhausted, you buy bait at Bay Chaleurs or fish for bait yourselves?—A. Yes.

Q. So if the Americans had not the privilege of buying bait, what would they have to do?—A. Either to go home or else set their nets off shore, if the Treaty of Washington were not in force.

Q. So if they could not fish for bait, they would have to go home?—A. Certainly.

Q. If you were to have the choice of excluding the Americans from fishing within three miles of our shores and in our bays and have a duty imposed on Canadian fish in the American markets, say of \$2 per barrel on mackerel, or of having Canadian fish admitted free into the States and having Americans fishing with you, which would you prefer?—A. I don't want to see the Americans excluded from these waters, but I would like to see something more on an equality than it now is, for I don't consider it any benefit whatever to Canadian fishermen to have their fish go into the American markets free of duty.

Q. Why?—A. They ship their fish to Halifax. The Halifax merchants buy them and ship them where they please, perhaps to Boston. American vessels fish from Cape Sable to Cape George and get the benefit of the fisheries.

Q. No benefit from the free admission of their fish into the United States?—A. I cannot see where they get any benefit. They may get it somewhere or other, but I cannot see it. Only a small quantity of British fish goes into the American market.

Q. Are the Canadian fishermen whom you know dividing their time fishing and cultivating the land or to fishing exclusively?—A. Mostly all I know are fishermen. At Gaberose there are about 100 boats; at Louisburg there are 65 boats; round Asque Bay and Ingonish there are large fisheries; at these places the people depend solely on the fisheries.

Q. If the fisheries around the coast were destroyed by overfishing, they would be deprived of all their resources?—A. Yes; and your government would have to support them.

Q. Or they would have to live somewhere else?—A. Yes.

Q. You have seen American vessels fishing from Cape Sable to Cape George?—A. Yes; often. Off Cape Sable is a large fishing ground for them.

Q. How far from the coast are cod taken in that part you have mentioned?—A. From inshore to 15 or 20 miles off.

Q. Where is the largest quantity caught, inshore or outshore?—A. I think off shore at that part of the coast. They have the best cod fishing 15 or 20 miles off Cape Sable.

Q. Are there any places where the fishing is better inside than outside?—A. Yes.

Q. Where?—A. Sometimes all along you will find it better inshore and some days outside. Sometimes you will find the fish close in, when you could not get anything off shore. American and Canadian vessels fish where they can get the best catch.

By Mr. Dana:

Q. You have fished mostly in American vessels, have you?—A. Yes.

Q. Do they begin upon the mackerel down on the southern coast?—A. Yes, sir; in the spring.

Q. And follow them up?—A. Yes.

Q. To Grand Manan generally, past Cape Cod. Then from Grand Manan they follow them through the Gut of Canso or outside Cape Breton, don't they?—A. No, sir; not that fleet. In my opinion they are two different fish. That which comes into the gut or into the bay here is an altogether different school of fish. The American school goes as far as Grand Manan, and generally the fish do not go any farther.

Q. Is that the result you have come to with regard to the school stopping at Grand Manan?—A. I could not tell you.

Q. Is that your opinion?—A. That is as far as the Americans follow at any rate on that hitch.

Q. You have had a pretty large experience. What, in your judgment, becomes of the schools of fish that go to Grand Manan in the Bay of Fundy?—A. That is a hard matter for me to decide, because I don't know much about that, only we follow them in the spring down, and up again in the fall.

Q. Do you think the fish, in what you call the Bay or Gulf of St. Lawrence and that neighborhood are different fish?—A. Well, I could not tell you. It seems that the American mackerel stand well.

Q. But I ask whether they are or are not the same school?—A. I cannot tell you.

Q. I understood you to give your opinion that the mackerel which the Americans followed from Cape May, about there, to Grand Manan were not the same school that come up here. I do not refer to their quality?—A. Well, it is my opinion.

Q. Where do you suppose the fish come from that come into the Gulf of St. Lawrence and Prince Edward Island, and along the northwestern coast of Nova Scotia to spawn?—A. Where do they come from?

Q. Have you formed any opinion?—A. No, I have not. They come somewhere from the South. Wherever it is I do not know. I know it is very muddy in the spring of the year, as if it came from the Gulf Stream.

Q. You think they come from the southern part of the United States coast?—A. Yes, sir; somewhere from the southward.

Q. If they do, don't you think they come through the Gut of Canso or outside of Cape Breton?—A. Both ways, I think.

Q. Are they not followed by the American fishermen?—A. The American fishermen go fishing for them.

Q. They follow these schools as well as they can, don't they?—A. Yes.

Q. And they go either inside through the Gut of Canso or outside of Cape Breton?—A. I have seen six sail the day before yesterday going through the gut and going into the bay. That was only for one day.

Q. Is there a good deal of mackerel off the coast of Maine?—A. There used to be.

Q. When you fished there ?—A. Yes.

Q. Are there a good many British subjects from these colonies and provinces engaged in the American fishing fleets ?—A. Yes, sir; there are some.

Q. Can you form any estimate at all of the number that will be on board ? Suppose there are 600 American schooners fishing on the Banks, or take those that fish here and on the Banks altogether, can you estimate the number of men from the British provinces ?—A. No.

Q. What proportion is there, in your belief ?—A. I could not say.

Q. Should you not think, from your observation, that as many as one-third are from the British provinces, taking skippers and men ?—A. There are so many different classes of people that go fishing—Portuguese mostly.

Q. And some Americans ?—A. Yes.

Q. And some British subjects ? Would it not be very likely, if a census were made fairly of all the American vessels that fish for cod and mackerel in these waters or on the Banks—would it not be very probable it would turn out that one-third of the men were from the British provinces ?—A. Well, I could not answer that question very well. It is something that I cannot come anywhere near.

Q. Now, you have been in a good many vessels or made a great many trips ?—A. Yes, sir.

Q. How has it been on board those vessels you were in ?—A. Well, we mostly always had a Portuguese crew.

Q. You were skipper ?—A. Yes,

Q. You had some of your own people; were there many of them ?—A. Very few, sir.

Q. There were not many native Americans ?—A. No, sir. Once in a while there would be a very few.

Q. Now, haven't you had in vessels that you were in as many British subjects on board as you had Americans ?—A. Yes, sir, and more; for there are but very few Americans that go fishing on the Banks.

Q. I understand you to give your opinion that the mackerel catch had been falling off for ten years; did I understand correctly ?—A. Yes, sir.

Q. Has it been pretty steadily falling off—some years more and some years less, I suppose—but in the main it has been falling off ?—A. They are very scarce now; you can get but very few.

Q. Does it look as if it was going on so ?—A. I am afraid so, but I hope not; if they continue those seines it will keep on; they are going to kill them here and on the American coast.

Q. Well, they don't use them so much on the American coast as here.—A. I beg your pardon, they use them altogether; there is but one vessel out of a hundred that uses the jig.

Q. In the inshore fishery ?—A. Yes.

Q. Are you acquainted yourself with the inshore fisheries ?—A. Yes.

Q. And they use the seine there ?—A. Yes.

Q. It is the purse-seine ?—A. Yes; altogether.

Q. Do you think their inshore fisheries of mackerel will be injured very much and you will be injured similarly ?—A. That is my opinion, if they continue.

Q. It has been said there is a better prospect this year than for the last many years; do you think so ?—A. I do not see any better prospects, sir. I do not see it so good. The fishermen on our coast here have not done by one-third on an average as well as last year, so far.

Q. With reference to halibut, that is deep-sea fishing, is it not ?—A.

It is now; they are drawn off somehow or other; they did not used to be; they used to be caught very close inshore.

Q. Well, cod are often caught inshore, but would not you say cod was a deep-sea fishery?—A. Yes.

Q. And halibut is the same?—A. Yes.

Q. I believe one witness, a Mr. Vibert, of Perce, in the county of Gaspé, said that the halibut were altogether caught within the three-mile limit, without any exception. He says, "That is, I believe what I have understood from our fishermen; they have told me that halibut could not be caught in deep water" (reads from page 110 of the evidence). Should not you say that was a mistaken statement?—A. Yes. The Gloucester folks go every winter, in fact they go the whole year round, to catch them; in the summer they get halibut in shallow water, but in the winter they have to fish in 100 fathoms of water.

Q. So they are a deep-water fish, as a fish, but you can catch them inshore?—A. They may be caught inshore.

Q. Do the Americans themselves pursue the halibut fishing except as a deep-sea fishery?—A. O, yes; they take them anywhere where they can get them.

Q. Do you think that on this coast the Americans fish for halibut?—A. Yes.

Q. They take them as they find them, but do they undertake as a business the fishing for halibut inshore?—A. Certainly; the treaty allows it. They will take them in our harbors if they can.

Q. Of course, wherever they can find them; but I speak of it as a business.—A. As a general thing they cannot get them inshore. They are drawn off.

Q. The American fishermen, when they catch them in deep sea or the Banks, or elsewhere, put them in ice, don't they, and take them as quickly as they can into the markets?—A. Yes.

Q. It is a fish that has to be taken as quickly as possible into the markets?—A. Yes. It is very thick and fat, and it will not keep very long.

Q. You speak of the Americans that come here to fish. You consider it a very great advantage to them, do you not, to be able to trade here to tranship and refit and to buy whatever they want in the way of necessaries?—A. Certainly I do.

Q. How long has that business been going on, do you think?—A. It is not very long. I could not say how long.

Q. There has always been a little of it, perhaps?—A. I don't know whether the old treaty—

Q. I didn't ask you about the treaty, but simply as to your own experience. How long, according to your own belief, has it been going on?—A. Not before 10 years ago, anyhow.

Q. It has sprung up within the last ten years?—A. Yes.

Q. And it has increased, has it not?—A. Yes.

Q. Would it be your judgment that the Americans would be likely to make that a regular business instead of going back home? Considering the facilities for transshipping, and the fact that it enables them to go back and get another fare, do you think it would be likely that this would be a very increasing trade?—A. It would be very advantageous. I should suppose they would do it, for it gives them a chance to go right off again for another trip.

Q. It has become a pretty well established business on shore, has it not among your own people in the Gut of Canso and along there?—A. Yes, there is where most of it is done.

Q. And merchants go there to set up?—A. Yes.

Q. And as far as you know is it reasonably profitable to them also?—A. You mean those that come from the States to do business here?

Q. Without respect to where they come from, it is reasonably profitable to the persons who engage in it or they would not be likely to stay in it?—A. You refer to the transshipping?

Q. All those persons who own wharves or docks and apply them to this purpose, from whose wharves the fish are transshipped, who find barrels, bait, and such necessaries as are sought for, is it reasonably profitable to them?—A. Well, I don't know. I suppose Americans and Canadians both are interested in the boats. It is done through them. How it is done I could not say. I know they send them by the boats. I don't know who gets the benefit.

Q. What boats?—A. The Carroll and other boats that run to the island.

Q. Take the whole business, the refitting and supplying, as well as the transshipping, of course you cannot state what profit either side makes, but still it is probably a profitable business or it would not be carried on by so many persons. Have you ever heard any complaints made against that business?—A. No; but there was a time when we could not do it at all.

Q. But now, since both sides have become engaged in it, you have not heard complaints, have you?—A. No, sir. I don't have much to say to any of those who are engaged in it.

Q. When you were in an American vessel did they transship—when you were a skipper did you do it?—A. No; but I have seen other vessels do it.

Q. You never transshipped?—A. No; because I only made a short trip. I went to the Banks for codfish first, and then in the Bay Chaleurs for mackerel. I did not want to stop any longer after I got a fare.

Q. What did you do with your codfish?—A. We landed them for the owners.

Q. Where?—A. We went into Provincetown.

Q. How far is it from Provincetown to the westerly or southwesterly edge of the Banks?—A. 1,000 miles.

Q. The owners preferred to have the codfish brought home?—A. O, yes; we could not do any other way with it, because the fish had to be cured, and there was none of the American firms down there to cure it. That is, mackerel that is transshipped.

Q. But you were not catching mackerel?—A. Of course, there it was not to be had.

Q. Now, when you had gone to Provincetown and delivered up your codfish to the owners, you then came here on an independent voyage for mackerel—what I would call another trip?—A. After that we fitted out at Provincetown.

Q. Yes; with bait, barrels, and all you needed?—A. Yes.

Q. And you made but one mackerel trip?—A. Yes.

Q. And when you caught them they were taken back in the same vessel to Provincetown?—A. Yes.

Q. So you never had occasion to engage in this new business?—A. No; I never did it myself. I have seen it done, that is all I know.

Q. When you came here did you have bait enough shipped in Provincetown for your trip?—A. No, sir; many a time I took bait here.

Q. You would get some bait from there, porgies, and sometimes clams, I think you told us?—A. When we went for mackerel I generally brought bait from home; that is what I mean.

Q. You landed your codfish and started off on a trip to the Bay or Gulf of St. Lawrence for mackerel. The bait for the mackerel you got at Provincetown?—A. Yes; and for the cod-fishing voyage in these harbors, most of it. The Americans do it mostly now for cod-fishing.

Q. When you started from Provincetown for codfish, had you bait enough for the season?—A. I have stated that I got it many a time in here. We take some from Provincetown, but it is salt bait.

Q. It is not adapted to codfish as it is to mackerel?—A. We come in here for fresh bait and go to the Bank, and then when that is gone we run into Newfoundland and get more to finish our trip, and go home.

Q. You come here sometimes to get bait for codfish; that is, you don't bring enough from Provincetown?—A. It is not so good; it is salt; it is nearer the fishing ground to get it here, and therefore it will keep so much the longer time.

Q. What parts of British America do you come to?—A. We run into St. Ann's.

Q. Where is that?—A. It is in the Province of Nova Scotia, in the county of Victoria, a little north of Sydney. Sometimes we go there, sometimes to Louisburg, and sometimes to Sydney.

Q. Then it is Cape Breton usually and not Nova Scotia that you go to for bait?—A. It is all one thing.

Q. Well, I don't mean politically. It is not within Nova Scotia proper, but in Cape Breton that you get bait?—A. Yes, and sometimes we go into Whitehaven, sometimes into Halifax, sometimes into Prospect.

Q. Would you not go into Halifax, as being the most convenient, unless it costs more? Does the bait cost any more here than in the places you have mentioned?—A. No.

Q. You buy your bait, of course, if you can get it, that is, quicker and more convenient? You don't fish for it unless you are obliged to; is that so?—A. No; unless we have the facilities for catching bait.

Q. But if you can run in at once and buy it, or ship it on board at once, it will save time?—A. Yes.

Q. Then it is a correct statement that the American vessels will buy their bait if they can?—A. Yes; they buy it if they can; that is—

Q. Well, now, in taking bait, do they usually catch it themselves, or make arrangements with people on shore, who have the appliances, and do the crews of the American vessels take hold and help them?—A. Well, they do both; they buy and they catch it; that is, they catch squid. I never saw them catch herring for bait. I have seen them catch squid though for bait. They have to be caught by a jig; that is what we call it.

Q. As to drying their nets, the Americans don't dry their nets on the coast now, do they, at all? They pickle their nets?—A. They dry them too. Pickling will not always keep nets.

Q. They do that to a very great extent, don't they?—A. Oh, they do it on shore.

Q. And in their vessels in the harbor; and at sea?—A. Just wherever they can get them dried.

Q. Is it customary for the American to land to dry his nets merely?—A. As a general thing an American does not carry but very few nets.

Q. As a general thing, you say, they carry very few nets?—A. Yes; to catch bait with I mean.

Q. But they, for whatever purpose, use their nets; is there much of landing here by the Americans to dry nets of any kind, or for any

purpose? Has it not nearly passed out?—A. No; I think not. They do it now.

Q. Is there much of it?—A. Yes, sir; if they are in the harbor and their nets need drying, they will carry them on shore.

Q. They do not come in for that purpose, do they ever?—A. No, I should think not.

Q. You told us you thought the treaty in giving you full right to sell your catch in the American ports without duties, was not a benefit to the fishermen?—A. Yes.

Q. If it is a benefit to anybody here the fisherman would get the benefit of it, would he not, indirectly or remotely? Say they are brought to Halifax. If the Halifax exporter who sends them to the United States gets any benefit from them, the fisherman will too, won't he?—A. A very little, I think.

Q. You think the benefit would mostly stick in the hands of the merchants?—A. The poor fishermen do not receive much.

Q. Do you think that is so with all commercial relations, however beneficial it may be to the merchants to sell, you find that the fisherman does not get much?—A. No.

Q. Don't you think he gains anything by the improvement of his market?—A. I do not think it is much improvement to the market.

Q. That is not what I asked you. I asked you whether the fisherman does not gain, as a general thing, by the improvement of his market. If anything does improve his market he gains by it?—A. I do not think it improves it.

Q. I did not put that question. I want to know whether in your opinion if the market is improved—I do not speak of the Treaty of Washington at all—but if anything happens that improves the market and causes a greater demand for the fish caught in the Province, don't you think the fisherman gets some benefit from the improvement in the market?—A. On the price of his fish? I don't hardly—

Q. It is not necessary that he should take the fish himself in order to get the benefit of the increased demand. They might be sold through the merchants and still he might have some of the benefit?—A. But they get the cream.

Q. Has that opinion been pretty generally disseminated among the fishermen?—A. Why they know it. They do not get enough to pay for the injury that is done them by scaring their fish off.

By Mr. Doutre:

Q. The gentleman who examined you asked about the fisheries on the coast of Maine. You were formerly there and used to fish there on the coast of Maine?—A. Yes.

Q. That was mackerel?—A. Yes.

Q. Is there mackerel there still?—A. It is carried on there now in its highest—

Q. You stated that in their own waters they were using the seine for catching mackerel?—A. Yes; almost altogether seines.

Q. Well, you were asked if the Americans were generally seining inshore, that is to say within 3 miles from the shore. Is that the place where they catch mackerel in their own waters?—A. No, not always; they catch them offshore and inshore.

Q. So that when they are seining it is everywhere where they can catch the mackerel?—A. Yes; it is the way of fishermen and especially of Americans to catch them wherever they can, provided the privilege is allowed. He will come into the harbor if they are there and he

is allowed. And these shores give a very good privilege to seines, because there are 25 fathoms close to the land. That gives plenty of chance for the seine to go to the bottom. So they have a very good privilege off these coasts.

Q. You mean that it is a greater advantage to seine inshore than on the high sea?—A. No, not at all. But on the American shore they cannot fish on account of the shallow water; it will catch the seines and tear them, but on this coast the water is very deep close in to the beach. That is very advantageous.

Q. You mean to say that it is more easy to use the seine on our shore than on the American?—A. Yes; there is deeper water.

By Mr. Davies:

Q. Is that true of the bight of Prince Edward Island; is it true that the water is deep there; that there is a bold shore there?—A. Yes, sir.

Q. Do you mean that the water is bold off the bight of Prince Edward Island on the north side?—A. Yes; it is bold.

Q. What do you mean by bold?—A. It is bold enough, 6 or 7 fathoms. We always throw the seine in 5 or 6 fathoms.

Q. What distance from the shore would 7 fathoms be off the coast of Prince Edward Island?—A. Close in, very close. I have been anchored close to the beach in 7 or 8 fathoms of water.

Q. What part of the island is that you speak of? Point out on the map where you say the water is bold off the coast. A. (Points to map of Prince Edward Island along the north shore, in the neighborhood of the county line between Queens and Kings.)

Q. Off what harbor is it bold?—A. There is no harbor there. There is St. Peter's there; it is a boat harbor.

### No. 23.

JOHN MAGUIRE, trader, Steep Creek, in the county of Guysborough, N. S., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Wetherbe:

Question. You reside at a place called Steep Creek, on the east side of the Strait of Canso?—Answer. Yes, sir.

Q. Is that about the middle of the strait?—A. It is about midway from Sand Point to Cape Porcupine.

Q. How wide is the strait at your place?—A. A mile and a quarter across.

Q. From Nova Scotia to the island?—A. Yes. It is narrower in some places.

Q. What is the narrowest part of the strait?—A. It is narrowest at Cape Porcupine; there it is three-quarters of a mile wide.

Q. You carry on business there as a merchant?—A. Yes.

Q. For how many years have you been in the fishing business?—A. It is about 38 years since I first commenced.

Q. And during that period have you been continually in personal communication with American fishermen?—A. Yes.

Q. Have you been personally fishing on the Magdalen Islands?—A. I have.

Q. At Port Hood?—A. Yes.

Q. And other places on the coast of Nova Scotia and Cape Breton?—A. Yes, and one season on the Newfoundland coast.

Q. Have the American fishermen traded with you?—A. They have traded some, more or less, for thirty years, with my father or with me.

Q. With your father and then with you?—A. Yes, sir.

Q. Take the period during the Reciprocity Treaty; about how many vessels, to your knowledge, were there passing through the strait engaged in the bay fishery; what you call the bay fishery, the Gulf of Saint Lawrence fishery?—A. Well, I should say, to the best of my knowledge, 400 or 500 sail.

Q. That you knew of?—A. Well, I did not know of them all, but to the best of my knowledge by what passed and repassed.

Q. By what passed that you either knew of personally or heard of?—A. Yes. I would say that some years there were a good many more.

Q. How many have you heard as the highest number?—A. I have heard of 700 sail, but I do not say that is correct.

Q. Do you know how many American vessels fished for herring at Magdalen Island?—A. An average of 25 to 75 sail, some years.

Q. Now do you know, from what you have heard from Americans or what you know yourself, how many American vessels have been in the habit of fishing for cod-fish; what you call the cod-fish fleet?—A. I should say 300 sail have touched our shores from what I have heard.

Q. The cod-fishing fleet?—A. Yes; some years more and some years less.

Q. How many barrels of mackerel would these vessels you have spoken of take? How many barrels of mackerel would they take in the course of the season, according to your best knowledge and information, on an average?—A. Well, I have known them to catch over 1,000 barrels, some seasons, down to 300.

Q. I would like to know what you would put down as a fair estimate of the number of barrels per season, taking the large number of trips, that is three trips down to one trip.—A. Well, taking from three trips down to one, I think I would be safe in saying 600 barrels for the season. That is for an average. I don't mean to say all seasons.

Q. Now, I think you gave me a memorandum from your book. You made a memorandum from your book for one year, 1864. Was that a good year?—A. That was a fair year for mackerel fishing.

Q. I believe there were certain years that were better?—A. I think there were full as good, and some probably worse.

Q. I would like to know, because I want to know exactly what the state of the matter is. Do you take 1864 to be the best year or not?—A. I am not aware. I don't think 1864 was any better than 1865.

Q. Then were there other years nearly as good?—A. Yes; 1863 was nearly as good.

Q. Then were there a number of other years when there was very little difference?—A. There was a number of other years when there was not much difference.

Q. You have taken those names on the memorandum referred to yourself from your books?—A. Yes.

Q. They cover 25 vessels where the parties dealt with you?—A. Yes, those were the names where the parties dealt with me.

Q. Now you have made this up, and there is an estimate at the bottom, giving the names of the vessels and the number of trips that they made each?—A. Yes.

Q. There are 25 vessels; 14 of these 25 made two trips that season, 1864, and eleven made three trips?—A. Yes.

Q. And one took both fares home?—A. Yes; she sent one fare and took two home.

Q. You just took them as they came from your books?—A. Yes.

Q. I am not aware whether you took the number of barrels they caught or not?—A. No, I did not, because we did not put the number down. We never thought we would have to be called here.

Q. No. I wish to ask you whether the American fishermen formerly dealt more largely with our traders, with men in your position, than they do now?—A. They dealt formerly a great deal more than now.

Q. At the present time, how do they get their supplies, their sails, bait, and stores generally?—A. Well, they almost always send for bait and sails to be landed here for them in the strait, wherever they stop. They often get their beef, pork, and stores of different kinds from home.

Q. One witness told us of their having brought them from the south to north side of Prince Edward Island by rail. Do I understand you to say that they bring those things here from the States and land them at the strait?—A. To my knowledge.

Q. How do they come from the States?—A. Sometimes in the steamer, sometimes in their own sailing-vessels bound to the bay, sometimes in our coasters.

Q. They are landed at the strait, and the fishermen come from the gulf and get them?—A. Yes.

Q. Do they ever land those things at your wharf?—A. Yes; 20 barrels of bait were landed there last week from one vessel and 10 from another. They bring sails also.

Q. Can you give us another instance?—A. Every year this occurs.

Q. This year they have landed stores at your wharf?—A. They have landed sails and bait.

Q. Are there some of those stores on your premises now?—A. Those stores I spoke of are all there.

Q. Have similar supplies been landed at other wharves?—A. Yes.

Q. They formerly dealt with you a great deal more than at present?—A. Yes; a great deal.

Q. Do they deal at all with you?—A. To a small extent.

Q. In anything but necessities?—A. Nothing more than necessities.

Q. Which they could not get from home conveniently?—A. That they could not send home for; some little stores. Oftentimes they would have to go home to get these things if they were not landed in that way. About three or four weeks ago a cod-fishing vessel came in there and refitted. If she could not land, she would have to go home. They came back here for her bait and sails.

Q. Why did not she send home for those things?—A. She had sent home for sails and bait.

Q. But other things they got from you?—A. They got the balance from me, and the crew got some little outfit.

Q. Are you aware whether those American mackerel vessels are or have been in the habit of transshipping their cargo?—A. Yes, sir.

Q. At what place do they tranship?—A. Well, they land at Port Hastings and Port Hawkesbury on one side of the strait, and at Port Mulgrave, Pirate Cove, and Steep Creek on the other.

Q. Do you consider it any advantage to them to be allowed to tranship?—A. It is a great advantage.

Q. To make an estimate, what do you consider that it saves them?—A. Fifty per cent. They can make another trip by having the privilege of landing.

Q. Now, I believe you owned a small vessel yourself, engaged in the mackerel fishery; is that correct?—A. Yes, sir.

Q. What was her tonnage?—A. Forty-four tons.

Q. Do you recollect in what year you owned her ?—A. Yes ; 1863.

Q. Was she new at the time ?—A. Yes.

Q. In what year did you first send her fishing ?—A. 1863.

Q. Did you use her as a fishing-vessel solely or entirely ?—A. We used her in the spring of the year commonly. We went to Boston and then traded.

Q. I understand you used her as a trading-vessel ; but during any of these years, from the time you first owned her, did you ever use her solely as a fishing-vessel or a mackerel vessel ?—A. No, not the whole season.

Q. Not solely as a fishing-vessel during any year ? You used her more or less for other purposes ?—A. Yes ; in the coasting trade.

Q. Now, I would like to know in what year you used her more for fishing than any other years ?—A. Some seasons we would not go off until August ; sometimes we would go in July.

Q. Take the years 1865, '66, and '67 ; did you use her more in those years than in any others as a mackerel vessel ?—A. I think in 1864, if my memory serves me, we used her longer for other purposes than in any other year.

Q. What year did you use her more for the mackerel fishery ?—A. Well, I thiuk, to my knowledge, I never knew her to go for mackerel before July.

Q. Take 1865. What time did she go in 1865, and how many months did she fish in that year ?—A. I am not prepared to say.

Q. Well, I do not want the exact dates, but as near as you can recollect ?—A. I think that either in 1864 or 1865 she was eleven weeks.

Q. Do you know what she netted ?—A. In one year she netted \$2,200.

Q. That is the year she was that number of weeks, whichever year that was ? A. Yes. The crew took half, and paid for half the barrels and half the bait. The vessel pays for the salt, the provisions, half the bait, and the hooks and lines.

Q. Well, the next year after that, whatever year that was, how many weeks was she there ?—A. I think she was a little longer.

Q. What did she net that year ?—A. About \$1,800.

Q. What did she net next year again ?—A. About \$1,400.

Q. How long was she that year ?—A. I am not prepared to say. She was trading the first part of the season.

Q. Mr. Foster wishes to know whether the sums you have given were the results of the fishing-voyage alone ?—A. Yes.

Q. And this is irrespective of what she made at trading ?—A. Yes, sir.

Q. That is the actual division of the fish between you as owner and the other persons engaged ?—A. Yes.

Q. Were they engaged on the same principle as the Americans ?—A. Yes ; they paid for half the bait.

Q. If there was any other year when she was engaged about the same time in fishing, you will mention it.—A. Other years she was probably not so long. Some years she did not go until August. I do not know exactly. I could tell if I looked at the dates.

Q. Do you think the sums you have mentioned give a fair estimate of what she could make in good years fishing for that period of time ?—A. Yes, fishing.

Q. You never had her for a whole season ?—A. No. You would need to go from the 15th of June to go into mackerel fishing for the whole season.

Q. What was she doing last year?—A. She was trading until July. She was fishing a little while.

Q. How long?—A. Probably a month or six weeks.

Q. Did she do anything at all?—A. They got about 80 barrels. Last year was the poorest year she ever made.

Q. The year before what did she net?—A. About \$600.

Q. How long was she trading out of that?—A. She did not go into the bay until August.

Q. When you give that sum of \$600, do you mean the actual profit to yourself?—A. I mean the actual profit to the vessel.

Q. The other half went to the crew?—A. \$600 went to the crew and \$600 went to the vessel. I did not speak of the crew's half at all.

Q. Did the crew get \$2,200 in that best year?—A. Yes. I only speak of the net profits to the vessel.

Q. Had you any other vessel?—A. We had the J. M. Maguire in 1865, I think.

Q. For one year?—A. The autumn of one year. I had vessels previous to this.

Q. Did you keep any account?—A. No; I did not.

Q. Did you lose or make by them?—A. We made by them. I never lost but one year.

Q. You have mentioned some other year?—A. In 1865 we had the J. M. Maguire.

Q. What did you net by her?—A. We did not lose. She got 300 barrels of mackerel.

Q. How long was she out?—A. She came in about the middle of October.

Q. What time did she go out?—A. In August.

Q. What did you get?—A. Three hundred barrels of mackerel.

Q. What did it net the vessel?—A. Three hundred barrels.

Q. You made money by it?—A. I made money by it.

Q. What was her tonnage?—A. One hundred and fourteen or 115 tons. I had her the next year. She got 500 barrels. I had her no other year.

Q. Was she trading part of this time?—A. She was coasting part of the season.

Q. Well, now, will you tell us are there many other of your people engaged in this way fishing?—A. Keating has two vessels.

Q. Just state, are there many?—A. There are a good many.

Q. From your experience, was that a fair average or not that you made?—A. Well, that is a good fair average.

Q. You think your experience is a good fair average of the profits of the mackerel fishing?—A. Yes; that is a good average.

Q. You have been all these years to some extent dealing with the Americans. I suppose you don't object to it?—A. Not at all.

Q. Give the Commission a fair, candid opinion as to whether that part of your business has been profitable or not?—A. I certainly came here to give a good candid opinion.

Q. Well, did the trade that you had with the American fishermen—have you always considered that you were making a good profit on that?—A. No, sir; not at all, in all seasons.

Q. What has been the trade of late years?—A. It has not been worth looking after, that is with me, anyhow. I speak from personal experience.

Q. How is it with others?—A. As far as my knowledge goes, they are not making much money any way.

Q. Is it or is it not because the Americans simply now take what is a necessity, and don't trade generally with you?—A. The Americans don't trade very much.

Q. Is or is not that the reason why it is not worth having?—A. Well, the profits never were very large in my opinion. In the first place you had to have a very large supply. If you didn't have it you couldn't trade, and if you had it and they didn't take it, you had to carry it along.

Q. Well, do you think it is an advantage to them to be able to get what they require—what is a necessity to them?—A. If I have a vessel in the bay fishing, and she wants \$50 or \$100 worth of stores, it is certainly an advantage to her to get what she wants there, and not have to go home.

Q. Or sending home?—A. Yes.

Q. You have, of course, conversed with a very large number of American fishermen, and have been in constant intercourse with them throughout this period, I presume?—A. Yes.

Q. I would like to know, from your experience of your own vessels, and from your knowledge derived from the Americans themselves, at what distance from the shore the fish are caught?—A. Most of the American captains I have been in conversation with say inshore.

Q. I would like to ask you, as a practical man, engaged in the business to some extent, whether you would engage in the mackerel fishing business if you were deprived of the fisheries within three miles of the land?—A. If I had this hall full of gold I would not invest \$100 in a vessel that could not fish inshore, inside of the three-mile limit; to be harassed by the cutters, I would not do it.

Q. Do you know of any American captain whose opinion was ever expressed who would come in if not allowed to come within three miles of the shore?—A. I think at least three-fourths of them would not come if they were deprived of the privilege of coming in.

Q. Have you ever heard any of them?—A. I have heard them say time and time again it was no use to come if they could not fish within.

Q. Have you heard any American captains say they would come if they were shut out?—A. To the best of my knowledge, I have never heard a man say so. I could tell you something I probably ought not to. I have told my own captain, when at Margaree, to hoist a flag when he was there to let the Americans know when they could come inshore.

Q. You have always been on the best terms with the Americans?—A. Yes. They are my friends, many of them.

Q. Now, I believe you owned a drag-seine?—A. I have owned one for the last 20 years.

Q. What is the cost of a seine like that?—A. That cost me, landed here from England, £110.

Q. What has it been used for during these 20 years?—A. Herring.

Q. Who used it for 18 years; how has it been used for 18 years?—A. The Americans had it, or they had the fish caught with it; sometimes the seine itself.

Q. For about 18 years they used that seine; what for?—A. To haul fish.

Q. Where?—A. At the Magdalen Islands.

Q. In their vessels, or where?—A. To haul herring on shore.

Q. They could not haul them in the vessels?—A. They had to haul them on shore first. It was once used on Labrador.

Q. By whom?—A. By the American fishermen.

Q. Now, of late years, what has been the practice with regard to the Americans using seines?—A. The same as it was before.

Q. How did they engage in this?—A. They gave so much for the use of the seine.

Q. Do they ever employ the owner?—A. Most owners have to send men with the seine.

Q. Did you always send a man with that one?—A. All but to Labrador.

Q. Who were the other persons that used it? Did they hire our own people or use their own crew?—A. They hire two boats and two men; sometimes a large vessel hires three boats.

Q. Is it managed in that way, or do they use their own crew?—A. They use their own crew.

Q. Do they invariably?—A. Invariably. If they are in a hurry they hire men from the Magdalen Islands or keep a man for a few days.

Q. Well, now, this is in catching what sort of fish?—A. Herring.

Q. Of late years, do you know where those herring are exported?—A. For the last two years they have been to Sweden.

Q. Is that a growing trade?—A. It is.

Q. Is it likely to be profitable?—A. I can't answer.

Q. Well, so far as you understand?—A. They have got, I believe, as high as \$8 a barrel.

Q. As far as you have been informed, is it likely to be a growing and profitable business?—A. I can't answer that.

Q. Perhaps you have no information on the subject?—A. I have no information.

Q. You told us the codfish fleet amounted to 300?—A. About that, to the best of my knowledge.

Q. Do they take them in Canadian waters?—A. They get bait always around the shore, from Grand Manan to the bay of Chaleurs.

Q. In Canadian waters?—A. Yes; they also procure bait around Cape Breton.

Q. Do they catch any of it?—A. They sometimes catch squid for bait.

Q. Do they buy bait as well?—A. They purchase herring, mackerel, and squid.

Q. Would it be possible for the American codfishing fleet to carry on that business if they could not procure bait in Canadian waters?—A. In my opinion it would not.

Q. In your opinion, that is an essential element in the business?—A. Bait and ice are. It would be no use to take fresh bait without ice.

Q. Are you aware whether codfishing vessels have, in any particular season, employed their time in catching mackerel?—A. Sometimes they do so. I know of three or four that have.

Q. And have you heard of others doing so?—A. Yes.

Q. Numbers of others?—A. I have heard of some doing so.

Q. I think you told us that 50 and some lower number engaged in the herring fishery?—A. I think I stated from 25 to 70 engaged in catching herring during the season; probably more do so.

Q. Do they use the shores in any other way besides drawing herring on them as you have mentioned? Do they use the shores of Magdalen Islands in any other way?—A. They land barrels on the shore, and sometimes they salt their fish there. I have seen them do so.

Q. Is that a convenience in connection with the carrying on of the herring fishery?—A. If a large vessel goes to the Magdalen Islands she cannot salt her cargo aboard the vessel—she has to land the barrels.

Q. You spoke of a vessel that caught 500 barrels of herring; do you know what profit she made?—A. I could not say.

By Mr. Foster:

Q. For how many years have you personally fished?—A. I cannot exactly say. I have fished for a good number of years.

Q. I do not know whether you have chiefly spent your life in trading or fishing?—A. I commenced to fish and went to sea, and afterward I began to do business as a merchant.

Q. Did you ever fish in American vessels?—A. No.

Q. Which was the last year when you were personally fishing—was it the year when you were to Newfoundland?—A. No; I went to the Magdalen Islands.

Q. Did you not say that you went to Newfoundland one year?—A. Yes; that was about twenty years ago.

Q. What did you go for?—A. Herring.

Q. Did you go to the Magdalen Islands afterward?—A. Yes; the next year.

Q. In each of these cases did you take a seine along?—A. During two years I did.

Q. What did you do with the herring you caught?—A. The Americans took them.

Q. The Americans helped you to haul the herring and bought them?—A. Yes; and Nova Scotians, also.

Q. In both cases, how did they pay you—so much for the haul, or so much a barrel?—A. They paid me so much the barrel. I suppose, if you come down to the fine thing, that they averaged three cents a barrel.

Q. During some years, as I understand it, you have caught herring without the help of Americans?—A. We have always sent our vessels, and they caught their own herring.

Q. How large is your vessel?—A. Forty-four tons.

Q. How many men were in her?—A. Six.

Q. When you sent your vessel with six men did your men or the Americans catch the herring?—A. Our men caught the herring and the Americans also. They helped the Americans on some occasions.

Q. And they were then paid by the barrel?—A. Not at all times. Yes, I think that for four or five years the Americans seined themselves, and our folks got none.

Q. When they had the seine themselves did your boats go up with it?—A. Our men and boats went up; either one man or two men went with a seine.

Q. But with no boats?—A. With one or two boats.

Q. Would there be two of them?—A. There would be sometimes two and sometimes one.

Q. Then you always contributed your seine and one or two seine-boats?—A. One seine-boat is all you want with a seine.

Q. And never two?—A. Not for the seine. I said that the Americans hired two boats sometimes, and sometimes three.

Q. Of you?—A. Of me or anybody else.

Q. Have you had more than one seine to a boat?—A. No.

Q. With reference to the circumstance that the Americans are buying a less quantity of supplies from your people than they did formerly, and particularly to the cod-fisherman who refitted there and sent home for his bait and seines, you do not, of course, have the bait here that they want, unless it comes from the States?—A. They buy some herring and other bait of us, but they chiefly send home for it.

Q. What do they send for?—A. Pogies and clams.

Q. And these you do not have for sale unless they are imported?—  
A. Undoubtedly; we import all the pogies we sell.

Q. Is there any large place for the manufacture of sails in your vicinity?—A. Two sail-makers are there, one at Hawkesbury and one at Port Mulgrave.

Q. Is it convenient for Americans to get them there?—A. Undoubtedly not.

Q. Why not?—A. Because, in the first place, the owners send down home, and almost every owner has a sail-maker at home, and certainly it would be better to buy canvas at home and make the sails there.

Q. Does the canvas come chiefly from the States?—A. The cotton chiefly does.

Q. During what years did this business of selling supplies to the Americans, in which you have been engaged so long, prove most profitable?—A. It was most profitable for a few years during the war.

Q. And how was it before the war?—A. It was not then so profitable.

Q. But during the war?—A. For a few years during the war it was better.

Q. And how was it after the war was over, in 1866, 1867, or 1868?—It was fair. When the Americans were buying licenses, a great many mackerel were caught.

Q. When did the number of American vessels engaged in mackerel fishing begin to diminish in the Bay of Chaleurs, within your observation?—A. From 1874, I think. There was a large fleet in the bay in 1873; during August.

Q. In August?—A. When the August gale took place.

Q. That was a very disastrous year for these vessels, was it not?—A. Yes, but there was a good catch of mackerel that year.

Q. In 1874 a great deal smaller number of vessels came to the bay?—A. I think that their number was smaller that year.

Q. And in 1875 it was smaller still?—A. I am not prepared to say that it was much smaller.

Q. How was it last year?—A. There were not so many last year.

Q. How many would you think there were last year?—A. I am not prepared to say.

Q. How many were there according to your judgment?—A. I kept no estimate of them. I could not do so.

Q. How did you happen to keep that list of the number of vessels and their trips in 1864, which you mentioned? You said you made it up from your books?—A. There are other lists with which we could compare that one.

Q. How did you happen to keep it?—A. We have the name of every vessel trading with us on our books.

Q. Those are the vessels with which your firm traded that year?—A. Yes.

Q. And the way in which you knew how many trips they made was owing to your trading with them each trip?—A. Undoubtedly.

Q. They did their business at your wharf?—A. Yes.

Q. How do they send fish from your place to Boston when they do not take them themselves?—A. Sometimes they do so by steamer and sometimes by sailing-vessels. The latter are preferred for the purpose.

Q. Are these sailing-vessels American or British?—A. A good many of them were then American.

Q. When?—A. In those years.

Q. In 1864?—A. American vessels were so loaded in 1873.

Q. Is most of the transshipping done in American or in British sailing-vessels?—A. Formerly I think it was mostly done by American vessels.

Q. What is the case now?—A. It is now chiefly done in British vessels.

Q. Is it not a number of years since many American sailing-vessels engaged in that trade?—A. I do not know that it is. American vessels are allowed to come at any time and take away fish.

Q. But do they now come for this purpose?—A. They do.

Q. I thought that trading of that sort had chiefly fallen into the hands of British trading-vessels of late years?—A. When freight is to be got Americans come there frequently.

Q. Have they done much in this direction since the American war?—A. In 1873 I know that they came, because they brought stoves for us and took a load back. I do not remember that they have come since 1873. In 1873 one man lost his cargo off deck while going home.

Q. Will you name as many of the firms engaged in this business of furnishing supplies to the Americans in your vicinity as you can?—A. There was McKeen, who has been succeeded by Lawrence. I do not think that the Paints do much at it. At Port Mulgrave there were Hart and Cunningham, and George J. or J. J. McKeen and Levi Hart at Port Hawkesbury. The latter is dead and gone. Peter Paint I do not think has done much in this business. I do not believe that he would be bothered with it. There was a man by the name of Alexander Fraser, but he is dead. Then there is Keatings and Company; and there were the Elliotts, an American house, but they are gone. Mr. Wylde comes next, at Port Mulgrave, and Mr. Hartley, in Pirate Cove.

Q. How long is the Strait of Canso from end to end?—A. We call it 21 miles from Cape Red Head to Cape Jack.

Q. And all these men are established in that length of 21 miles?—A. These men did business within a less distance than 21 miles; between Port Mulgrave and our place.

By Mr. Weatherbe:

Q. Are there any other persons engaged in this business in that neighborhood?—A. Not that I am aware of. We call it 6 miles from our place to Port Mulgrave.

By Mr. Foster:

Q. How many are engaged in the outfitting business in Bouche?—A. Mr. Christian lives there, but I do not know whether he is engaged in this business or not. There are no others so occupied from Bouche to Second Point, at the entrance to the strait, and no others besides those I have mentioned on our own side of the Strait of Canso.

Q. How about Cape Breton?—A. McKeen did business there, where Lawrence is now.

Q. Where?—A. At Port Hastings.

Q. Is there any other person engaged in this business in any other place on Cape Breton?—A. Mr. Hart was at Hawkesbury, but he is gone.

Q. I thought that there were others outside of the strait?—A. I do not know of anybody outside of the Gut of Canso to the north except Webb and Crispo.

Q. And north of that there are none?—A. No.

Q. Where is Port Hood?—A. In Cape Breton.

Q. Tell us all you know about people engaged the same business in Cape Breton!—A. I do not know of a man there so occupied save one—John Smith.

Q. Where!—A. At Port Hood.

Q. He is the only one you so know of outside of the Strait of Canso!—A. Yes.

Q. They advertise that the same business is done here at Halifax, do they not!—A. Probably.

Q. And they invite fishing-vessels to stop here for the purpose of refitting!—A. Yes.

Q. You yourself have never been engaged in cod-fishing!—A. No.

Q. Did I understand you to say you thought that if American cod-fishermen could not come and fish in Canadian waters they would not be able to prosecute the cod fishery!—A. It could not be done successfully otherwise.

Q. Don't you think this could be done by them if they were allowed to go to Newfoundland!—A. They might do so to some extent.

Q. Why could they not prosecute them successfully at Newfoundland!—A. I do not think that they could make it pay all the season.

Q. Why not!—A. They could not get bait easily enough if they could not get inshore.

Q. What bait would they require!—A. Squid and herring.

Q. Do you not think that they could get along pretty well with herring without squid!—A. The fishermen would sooner have squid. It makes better bait. Two vessels may go to the Banks—one with herring and the other with squid for bait—and the one which has the herring will not catch half as much fish as the other.

Q. Suppose that a particular American cod-fisherman were to conclude that he would not go to Newfoundland or Canada for bait, but to St. Pierre and Miquelon, why could he not get along there!—A. If they obtained the herring from Nova Scotia and Newfoundland they could do so.

Q. The French people do not require compensation for the privilege of having the Americans to trade with them; they like to have this trade; they do not object to commerce; and this is nearly a free port, the duty being only two per cent.; and I want to know why an American cod-fisherman could not then go to St. Pierre and buy what he wanted without resorting either to Newfoundland or to Canada!—A. To what sort of supplies do you refer?

Q. What is there that they could not buy at the French Islands!—A. The French come here after squid.

Q. Certainly; but you allow them to buy squid, and you take it there and sell it!—A. Undoubtedly.

Q. Your boats go over to the French Islands in great numbers and sell squid to the value of £40,000 or £60,000 a year; and this large trade existing, which your people seem willing to carry on, because they actually take the bait over, why could not the American cod-fishermen go to St. Pierre and buy their bait there!—A. They would have to pay more for it there than here.

Q. Why!—A. Because, in the first place, the Frenchmen have to buy their bait from Newfoundland.

Q. Have they not a good deal of bait there to begin with!—A. They may have some, but not as much as have Newfoundland and Nova Scotia.

Q. If the squid was for sale there as reasonably as in Newfoundland and

Nova Scotia, it would be just as good a place to go to for it!—A. Yes; but they might then have to pay from \$8 to \$10 a barrel for their bait.

Q. Suppose you were to put a fence around the Island of Newfoundland and the coasts of Nova Scotia and not allow the American vessels to come there, but still keep up your commercial relations with the French, why could not an American cod-fisherman go to St. Pierre and trade there, and still prosecute his voyage successfully?—A. If it is not profitable he cannot do so.

Q. Why would it not be profitable?—A. I do not know; but there would then be no competition, and the French could charge the Americans for bait what they had a mind to. They could charge \$10 or \$20 a barrel for herring or squid.

Q. But it is a place that would answer the purpose!—A. The Americans would have to pay for the privilege.

Q. To the government?—A. The owner of the vessel and the crew would have to do so.

Q. Then the only difference that would exist, if the Americans were so excluded, would be that the market price for bait would be raised? Would that be the only difference?—A. Undoubtedly, but—

Q. Would that be all?—A. But then they probably would not be able to get bait either from Newfoundland or Nova Scotia.

Q. Why not?—A. Do you suppose that, if this was going to do an injury to the people of Newfoundland and Nova Scotia, they would then sell their bait to the French?

Q. You think that if the Americans did so it would be an injury to the people of Newfoundland and Nova Scotia?—A. I am not saying so, but I am just putting to you this question: if that produced such an injury, do you suppose that they would sell their bait to the French?

Q. They sell their bait there because it brings in a profit and does not cause an injury?—A. If you folks had to go there for bait, you would then see whether it was profitable or not to be obliged to pay from \$15 to \$20 a barrel for herring and squid.

Q. You would rather that the Americans would be driven there?—A. We want fair compensation.

Q. You want us to pay you compensation?—A. We want to do what is right.

Q. And this for the privilege of buying bait, which could be purchased at St. Pierre?—A. You would have to pay for it there.

Q. You want us to pay your price for bait, and to pay the government too for the privilege of doing so?—A. You would then have to pay the price that we asked, and the price the French demanded as well.

By Mr. Weatherbe:

Q. If I understand you aright, the Americans have paid you by the barrel for the fish caught in the seine?—A. Yes, during some seasons.

Q. Why so?—A. Because we would not hire the seine.

Q. You say that the price would amount to three cents a barrel, but this was not buying the fish from you. Their agreement was that they were to give you three cents a barrel for all the herring caught in the seine?—A. They have to pay three cents a barrel for all they get.

Q. As remuneration for the use of the seine?—A. Yes.

Q. What was the nature of the contract on other occasions?—A. Then so much was given for the use of the seine.

Q. In a lump sum?—A. Yes.

Q. Whether they caught anything or not?—A. Yes; sometimes two men and sometimes one man went with the seine.

Q. Did they give three cents a barrel for the use of the seine and the services of the British fishermen?—A. They paid me so much.

Q. They paid you separately?—A. They paid me a lump sum.

Q. When they paid by the barrel did this include the hire of the men as well?—A. That was all they had to pay. These men helped to drag the seine.

By Hon. Mr. Kellogg:

Q. When they obtained the use of the seine alone, what did they then pay?—A. They always had a man or two with the seines.

By Sir Alexander Galt:

Q. Who paid this man or these two men?—A. I did.

By Mr. Weatherbe:

Q. They paid you three cents a barrel for the services of the men and the use of the seine?—A. I beg your pardon. When they went to haul herring and dipped them out of the seine, the Americans paid three cents a barrel and helped to haul the herring, and when I hired one man or two men to go with them they gave so much in a lump sum, say \$60 or \$70 for loading the vessel.

Q. And they took the seine?—A. Yes.

Q. And men?—A. Yes.

Q. If I understood you aright when you named the persons who trade with the Americans between the two capes mentioned, you said that Hart & Cunningham carried on this business, and that Paint did not do much at it?—A. Hart & Cunningham do business at Port Mulgrave.

Q. Were those you mentioned for these 21 miles all contemporaries? Were they all trading at the same time?—A. Yes. I do not know, however, whether Fraser was dead before Hart and Cunningham came there or not.

Q. Were Webb & Crispo engaged in furnishing Americans with supplies?—A. I do not know.

Q. Then we have three or four of whom you are not sure. Was Smith also a contemporary?—A. Yes.

Q. You are sure about five for the whole distance, but you are not certain about Fraser or Webb & Crispo?—A. I think they furnished supplies to a limited extent.

Q. How many of these men failed in the business?—A. Three failed.

Q. Three out of that number?—A. I think so.

By Mr. Foster:

Q. When did they fail?—A. The last one failed two years ago.

Q. When did the others fail?—A. I could not give the years exactly. The American Co. failed, but I do not know when. If I looked at my books I might tell you.

By Hon. Mr. Kellogg:

Q. With reference to this transportation of material by American schooners, you say that they bring up sails. Now, I want to know whether they have sails made and sent up here by land?—A. No; they come by sea.

Q. They have such a supply on hand?—A. Yes.

Q. What do they sail with up here at such a time?—A. A line of steamers is running on the route. One may have an old suit of sails on a vessel with which to come to the Bay of Chaleurs, and they may get ripped; and you may then telegraph or send home for a new suit.

These are frequently sent up with a pile of rigging and many other things.

Q. They send them on beforehand ?—A. Yes, and have them landed when they come in.

No. 24.

WILLIAM BROWN, fisherman, of Port Medway, Queen's County, Nova Scotia, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies :

Question. Are you master of a vessel ?—Answer. Yes.

Q. What is the name of the vessel ?—A. The Sweet William.

Q. She is now in Halifax ?—A. Yes.

Q. In what branch of the fishery are you engaged ?—A. The cod-fishery.

Q. Where are you following it ?—A. We come from the Bay of Chaleurs, in the Gulf of the St. Lawrence.

Q. Where is the cod-fishery prosecuted in the Bay of St. Lawrence ?—A. In different places—around Prince Edward Island, Point Miscon, and the Magdalen Islands, and in fact all over the bay.

Q. It is carried on to a greater or less extent all over the bay ?—A. Yes.

Q. Have you been engaged in this fishing for many years ?—A. Yes.

Q. How many ?—A. Altogether, for about 20 years or more.

Q. Have you fished in American vessels ?—A. Yes.

Q. And in British vessels ?—A. Yes.

Q. And you have fished the Bay of St. Lawrence ?—A. Yes; I have fished there for the greater part of the time.

Q. I believe that you have now come straight from the bay ?—A. Yes.

Q. From off Prince Edward Island—how did you leave the fisheries this year ?—A. Cod was pretty scarce when I left there, but mackerel were very abundant—there was any quantity of them.

Q. Where were these mackerel to be found ?—A. All about the shore.

Q. How far off from the shore ?—A. They were right against the shore.

Q. In what abundance were they to be found ?—A. I never saw them more plentiful in my life than they are this year.

Q. You refer to an experience of twenty years ?—A. Yes; I never saw them so plentiful as they are this year on the American coast and in the bay.

Q. You never saw the like of this year in this relation ?—A. No; a vessel can get about what she wants now; at least this was the case when I left.

Q. Are there many Americans in the bay ?—A. When I left, about seventy-five sail of seiners were there.

Q. On the Prince Edward Island coast ?—A. Yes. A good many hookers, besides, are also there.

Q. There are 75 seiners besides vessels that fish with the hook ?—A. Yes; some have two seine boats and some one seine boat.

Q. That was off the island coast ?—A. Yes; down from East Point. I was up as far as New London, which is situated about 60 miles from East Point.

Q. Some have two seine boats ?—A. Yes.

Q. And some have one seine boat ?—A. The Panama had two.

Q. Do they always have boats to use with the seine ?—A. Yes.

Q. They must have boats for seining purposes?—A. They have a seine boat to each seine, and a couple of small boats, dories, besides.

Q. Were they actually engaged in seining and fishing off the island coast?—A. O, yes.

Q. How far from the shore?—A. Just right against the shore. They had seines on purpose for it. They had seines of different sizes. Sometimes they seined in twelve fathoms, sometimes in fifteen fathoms, and sometimes in eighteen fathoms of water.

Q. How far off from the shore?—A. About two miles.

Q. Was that the nearest the American vessels came to the coast?—A. O, no. Our schooner was right in agaist the shore. She had a shoal seine. This was the Panama. She got a load first and went home with it. She is a big two-topped schooner.

Q. She has already got a load of fish?—A. Yes.

Q. And returned to the States?—A. Gloucester. Yes.

Q. She is a large two-topped schooner?—A. Yes.

Q. How long was she in getting a load?—A. I think about two or three weeks. She was not long there.

Q. Have any other vessels as yet taken fares?—A. O, yes. I could not tell the names of many of them, however, because I did take particular notice of them.

Q. Give the names of as many as you can.—A. The David F. Low has just arrived there, and the first day she was there she got 150 barrels.

Q. How far off from the shore was this?—A. A couple of miles, or a mile or so: I could not exactly tell the distance, but it was not over two miles from the shore. The trouble with the mackerel this year is that they are too close to the shore, and the vessels have to watch for an opportunity to get them ont from the shore.

Q. They are too close to the shore to permit of the use of large seines?—A. Yes; and those who have not small seines have to watch until they can attract the fish away from the shore.

Q. Have the other vessels secured large catches?—A. Yes; the Fred-erick Garou caught 200 barrels in one day. I was alongside of another vessel, a big two-topped schooner, and she had a big deck-full. I forgot her name. I do not know exactly what she had taken, but I think it was a couple of hundred barrels. The other vessels had obtained very large decks.

Q. You should judge so from looking at the fish?—A. Yes; I asked the captain what he had got, and he said he had taken a few of them.

Q. And you would judge that he had caught 200 barrels?—A. Yes. They do not make much account of that number, for they call 400 or 500 barrels only a few.

Q. You know the Prince Edward Island coast, and the Cape Breton coast, and the west coast of New Brunswick pretty well?—A. Yes; I have traveled about the whole of these shores.

Q. You have done so for many years?—A. Yes.

Q. How far off from the shore do you generally catch mackerel?—A. O, as a general thing, we catch them right in against the shore. I have caught trips of mackerel away up at Bathurst, in the Bay of Chaleurs. We laid at anchor and took them between that point and Port Daniel. We obtained 500 barrels there one year in a Boston vessel. She was an English bottom, but she was owned in Boston. She flew the English flag, and had English papers; but still she was owned in Boston. I caught that trip of mackerel at Bathurst and in Port Daniel Harbor.

Q. How far from the shore did you catch them?—A. We took them in about five fathoms of water.

Q. At what distance from the shore?—A. I should think half a mile.

Q. It was within half a mile?—A. Yes; but I could not give the distance exactly.

Q. You say that you have fished in American vessels in the bay?—A. Yes.

Q. Give the names of some of them.—A. I was in the Diadem and the Austerlitz.

Q. In what year were you in the Diadem?—A. That was a good spell ago. She was the first American vessel in which I ever fished.

Q. How many years ago was this?—A. I should say it was 20 odd years ago.

Q. Where did she hail from?—A. Gloucester.

Q. How many trips did you make in her?—A. Two. Her captain's name was Welsh.

Q. Do you remember the amount of her catches?—A. We got full fares.

Q. What were they?—A. 400 barrels, and 360 or 370 barrels.

Q. That would make 760 barrels for the season; where did you catch them?—A. We secured the most of the first trip on what we call the west shore.

Q. On the New Brunswick coast?—A. Yes.

Q. From the Bay of Chaleurs to Miramichi?—A. Yes. From Point Miscou to Escumenac.

Q. How far from the shore?—A. Right along the shore; we caught the best part of them off Shippegan and Tracadie, along the sands.

Q. Within one or two miles of the shore?—A. One and two miles, and half a mile; probably three miles was the farthest we were from the shore.

Q. Where did you take your second trip?—A. At Malpeque.

Q. Off Prince Edward Island?—A. Yes. We took the most of them there, over 200 barrels, and the remainder we took down at Cheticamp, Cape Breton.

Q. How far off shore?—A. We hove to at Malpeque as soon as we came out of the harbor.

Q. That was about half a mile from the shore?—A. I think so, and hardly that. It is a bar harbor.

Q. In what other American vessel were you?—A. The Austerlitz, from Gloucester, was the next in which I was in the bay. I was in other vessels on George's Bank.

Q. You have fished for cod on George's Bank?—A. Yes.

Q. For how many seasons were you in the Austerlitz?—A. Four.

Q. Four consecutive seasons?—A. Yes.

Q. Where did she hail from?—A. Gloucester. She was owned during the first two years by Steel and Glover; then Glover left the firm and Steel alone owned her.

Q. Was she a large or a small vessel?—A. In those days she was a 60-ton vessel. The tonnage is now measured in a different manner.

Q. Did you go in the same vessel to George's Bank?—A. Yes, in the winter. I also went to LaHave Bank.

Q. Did I understand that you made trips to George's Bank and two trips to the bay?—A. Yes; we generally make trips to George's Bank every fortnight or three weeks, at the outside, out of Gloucester. We make a trip about every three weeks.

Q. How many mackerel trips did you make in the bay besides?—A. We used to make usually only one trip.

Q. What did you catch during these four years?—A. On the average about 300 barrels.

Q. Each trip?—A. Yes.

Q. When; in the spring or in the fall?—A. We used to fish for halibut and cod until the mackerel were fat. We never fished for poor mackerel. We used generally to come into the bay about the first of August and go out about the first of October.

Q. This is what they call the autumn trip?—A. Yes.

Q. What other vessel were you in?—A. The next American vessel in which I was in the bay was a little schooner called the Fairy Queen, Captain McLeod.

Q. What did you catch?—A. We had a good trip.

Q. How many did you take?—A. 200 barrels. She was a small boat, a market boat, but a good-sized vessel of her kind. She would be a big schooner here in Nova Scotia, but there she was only a boat.

Q. I suppose she was about 45 tons?—A. I think she was 50 tons and over. She was very deep. I believe she was 60 tons. They do not carry like our vessels.

Q. In what other American vessels were you?—A. When I left the Fairy Queen I came home to Nova Scotia and went into a Nova Scotia vessel. I then had vessels of my own.

Q. For how many years were you in vessels of your own?—A. For five or six years.

Q. Did you fish in the bay?—A. Yes; we made one trip every year, and some years we made two trips.

Q. What was the result?—A. We always made good trips.

Q. These were your own vessels?—A. I owned shares in some of them, and in others I did not.

Q. You devoted yourself exclusively to mackerel-fishing, or trading?—A. Yes.

Q. Did you do any coasting trade?—A. No. We do not do a coasting trade until after the fishing season is all over. After the season is over we generally make a trip to the island or somewhere else in our vessels.

Q. What did you catch when fishing?—A. We always obtained good fares.

Q. What did you take each trip?—A. One year I was in a little schooner called the Emeline. We went to the bay in July, and I landed at Keating's, in the Gut of Canso, 300 barrels. I went back and caught 250 barrels more.

Q. What was the size of the schooner?—A. She was small, of about 50 tons.

Q. For a vessel of that size this was a fair trip?—A. It was a good trip.

Q. In what other vessel were you?—A. I was in the Bell, and in one called the Fashion.

Q. Did you have equally good trips in them?—A. Yes.

Q. You took full fares?—A. Yes.

Q. And after being for some years in English bottoms you again went into American bottoms?—A. Yes. The Charles H. Hilureth was the first American vessel into which I then shipped.

Q. What did you do in her?—A. We made two trips.

Q. What did you take each trip?—A. 300 barrels.

Q. Do you consider that a fair average?—A. That was all she would carry. We loaded her up on the first trip and returned to Gloucester, just within a month to the day from the time we left. I left home on

the 20th of July, and on the 24th of August I was in Gloucester with 300 barrels of fish. The crew was small. I think there were ten men on board, or eleven, all told. We filled her full and had some on deck.

Q. Were you in any other American vessels?—A. Not on this coast.

Q. You go to George's Bank every winter?—A. Not now. I think too much of my crow-bait to go there.

By Hon. Mr. Kellogg:

Q. What is that?—A. My body. I would rather be food for crows than go there and let the fish eat me.

By Mr. Davies:

Q. You mean that you do not want to risk your life by going there?—A. I would sooner have the crows eat me than the fish.

Q. In what vessels were you in 1869 and '70?—A. I was in a schooner called the *Abby Alice*.

Q. Was she an American or a British schooner?—A. She was a British vessel. She flew the British flag, but she was owned partly in Boston by Clark & Woodworth. I was in her for two years.

Q. What was the result of your catches in that vessel, in 1869 and 1870?—A. In 1869, we landed I think, about 900 barrels, between 800 and 900 anyhow. We sent home the trip from Charlottetown to Boston by steamer.

Q. You transshipped them?—A. Yes; we did not get a full fare the last time. I think that we then took about 500 and 380, or somewhere about that number.

Q. You caught between 850 and 900 barrels?—A. Yes.

Q. Or, between 830 and 900?—A. It was along about there. I cannot say exactly how many we took.

Q. You had a pretty fair catch?—A. Yes.

Q. Where did you take them?—A. We caught the first trip in the Bay of Chaleurs, inside of Point Miscou; North Bay and the Bay of Chaleurs are two different places; the Bay of Chaleurs lies inside of Point Miscou, and is a bay of itself.

Q. You caught them all there?—A. Yes; in the bay.

Q. Did you catch them near the mouth of or far up in the bay?—A. We got them up the bay.

Q. How far up?—A. We took the heft of them as far up as Bathurst.

Q. How far from Bathurst?—A. Right against the shore.

Q. Half a mile from it?—A. About that, I should think. We laid to anchor springing up most of the time, and after the fish left, we went to Port Daniel, on the north side of the bay, nearly opposite Point Miscou. We anchored there and finished up our trip.

Q. With reference to all these years, captain, what is the result of your experience; how far from land do you catch mackerel?—A. Oh, well, two or three miles I suppose. You don't get them of any account outside of three miles from the shore. Of course, you may catch a few outside sometimes; but as a general thing they are taken along about a mile or two miles from the land.

Q. The heft of them are caught within a mile or two miles from the shore?—A. Yes; this year the mackerel when I left St. Peter's were so thick and so apparent, that you might walk on them.

Q. This was off Prince Edward Island?—A. Yes; if you had a smart Indian with snow-shoes, he would nearly travel on them.

Q. If this is the case, the seiners will make a good haul?—A. They did not happen to get right inshore. I met some while coming down, and I told them that the fish were there.

Q. But you do not know what destruction followed?—A. The Fred-  
erick Garon caught 200 barrels that day. I saw the captain afterward,  
and he told me so.

Q. Suppose that you were not allowed to fish within three miles of  
the shore, what would be the good of the bay fishery to you?—A. If I  
was not allowed to fish within three miles of the shore, I would leave  
the bay; I would not go there.

Q. You give that evidence as the result of thirty years' experience in  
this fishery?—A. Yes.

Q. When you were in American vessels, at times you transshipped?—  
A. No.

Q. You say that you were in the Abby Alice?—A. Yes.

Q. Did you not then find transshipment to be a great advantage?—  
A. Yes. I do not call her, however, an American vessel.

By Mr. Kellogg:

Q. What did you mean in your remarks about being crow-eaten? I  
did not understand you.—A. The George's Bank is considered to be a  
very dangerous place to frequent in the winter. Almost everybody that  
has been there, shudders when he thinks of going again, although num-  
bers do return again and again to the place.

Q. You are in great danger of being drowned there?—A. Yes. Thou-  
sands of Cape Ann fishermen have been drowned on George's Banks. It  
is a regular burying-ground—a regular cemetery for Cape Ann fisher-  
men.

Q. I thought you were speaking of crows?—A. I would sooner have  
the crows carry me away than have the fish eat me up.

By Mr. Foster:

Q. Where does your vessel hail from?—A. From Port Medway.

No. 25.

MONDAY, *August 20, 1877.*

The Conference met.

JAMES W. BIGELOW, merchant, of Wolfville, N. S., was called on  
behalf of the Government of Her Britannic Majesty, sworn and exam-  
ined.

By Mr. Weatherbe:

Question. You were born and you lived for a long period at the Strait  
of Canso?—Answer. I was born at Cape Canso, and I lived there until  
1869.

Q. And did you do business there?—A. Yes. My business was to  
prosecute the fisheries and furnish the fishermen with supplies.

Q. Where did you do business afterward?—A. I moved from there  
to Wolfville.

Q. When did you do so?—A. In 1869.

Q. And have you lived there ever since?—A. Yes.

Q. Did you own vessels?—A. Yes.

Q. While you were at Cape Canso?—A. Yes.

Q. How many vessels did you own?—A. Five or six during that  
time.

Q. And did you supply any number of American fishing-vessels?—  
A. Yes; I did so very largely during the war.

Q. I believe that you were not a practical fisherman?—A. No.

Q. During the whole time you were in business there, were you so  
engaged continuously?—A. Yes.

Q. And were you then in continual communication with American fishermen?—A. Yes.

Q. This was while you resided at Cape Canso?—A. Yes.

Q. And have you an intimate knowledge of the cod and mackerel fisheries?—A. I have, from the fact that I was not only transacting business with these fishermen, but my father being collector of light dues during all that period up to confederation, I was in the boat most of the time, in his place, collecting these light dues.

Q. Since that time have you studied the matter and kept yourself informed regarding the fisheries?—A. No; not to any extent. I have had no particular interest in the catching of the fish since 1869.

Q. With the exception of the catching of the fish, have you kept yourself informed with reference to the fish trade?—A. Yes; that is part of my business and has been.

Q. Since you left Cape Canso?—A. Yes; up to the present time.

Q. Part of your business is devoted to speculation in fish?—A. Yes.

Q. Buying and selling?—A. Yes.

Q. Judging from your general knowledge of the fisheries, suppose that the American fishermen were to be excluded actually and practically from fishing within three miles of our shores, would you consider that they would be able to carry on the fisheries along our coasts with profit?—A. I believe that if they were really so excluded they could not; but they have never been so excluded.

Q. But if this were accomplished, what would be the case?—A. Then I believe that they would not prosecute the fisheries at all; but that has never been done.

Q. Would it then be a profitable business?—A. I should think not.

Q. Do you thus speak from your own knowledge of the fisheries, and also from the result of your communication with American captains?—A. Yes; from their own version of the matter, I might say—I am speaking particularly with regard to the mackerel fishery—it was only the prospect of catching the fish within three miles of the shore that has induced them to come and fish on our shores. They have never been excluded from this limit at any time.

Q. What was the practice of American fishermen during the periods when the cutters were on our coast?—A. It was to catch as many fish within the three-mile limit as they could, with safety. The whole British fleet would not keep the American vessels out of this limit, if they wished to fish inside of it.

Q. Why?—A. It would be impossible to guard the extent of the coast which we have, with any number of vessels.

Q. When the marine police were gone, they would come in and run the risk?—A. Yes; certainly.

Q. Do you believe that they would run such a risk?—A. They would just make up their minds as to whether it was possible or not, and then they would either abandon the fishery or run the risk.

Q. As a person having a knowledge of the business, would you yourself put money in it, if you were excluded from fishing within three miles of our shore?—A. As to mackerel-fishing, certainly not.

Q. What would be about the number of the American cod-fishing fleet?—A. It is impossible to distinguish between the two fisheries in this respect, because these vessels most invariably make one trip for mackerel and one trip for cod; a vessel will fish early in the spring for cod, and in August and September for mackerel—so the same fleet, to some extent, is employed in both branches of the business.

Q. So the one fishery to a certain extent depends on the other?—A.

Most certainly; when they prosecute the business for the whole season, they turn their attention to the different kinds of fishing, as the time for them comes round.

Q. If you were engaged with your capital in the mackerel or cod-fishing business, would you consider, if you were to be excluded from fishing for mackerel within three miles of our coast, that this would affect the cod-fishing business?—A. We would then have to abandon mackerel-fishing and devote our time entirely to the taking of cod, whether the cod season was a good or bad one; mackerel-fishing is supposed to be the most important and profitable trip for a certain part of the year.

Q. How many hours' sail is it from Cape Canso to the cod-fishing grounds on this coast?—A. For the spring fishery, to the Western and LeHave Banks it is some 60 or 80 miles, or from 8 to 10 hours' sail; and for the summer and autumn fisheries, they go to the Grand Bank and Banquereau Bank, a distance respectively of about 100 and 60 miles. They fish for cod in the months of March and April in the spring.

Q. At what times do the Americans fish for cod in these places?—A. The spring fishery on Western and LeHave Banks last until along in May; the fishermen then follow the cod up the Bank Banquereau in May and June; on Grand Bank they fish during June, July, and August, and all the season.

Q. What is the number of vessels engaged in that fishery? At what time do they commence operations, and what do they do?—A. We first know of them fitting out in the American ports in March for one trip on the George's Bank; in April and May the fishermen move to the Western Bank and LeHave Bank; in June and July they follow the fish eastward to Bank Banquereau and the Grand Bank. The cod-fishing fleet fish during the months of July and August in North Bay.

Q. You are speaking of cod fishing?—A. Yes; and of cod fishing only.

Q. When they have loaded their vessels, what do they do with the fish?—A. The cod fishermen then return home.

Q. About what time does it take them to cure the fish?—A. In olden times, during the bounty period, they were not allowed to return home until four months had elapsed; but since that bounty has been removed they usually make a trip in about two months or six weeks. They do so as quickly as they can to get home with the fish.

Q. And then they return to the grounds?—A. Yes; perhaps two mouths would be a fair average for the trip.

Q. How many trips do they make during the season?—A. They occupy the whole season, from March to November.

Q. How many trips do they make?—A. Probably three or four.

Q. Do they ever make five?—A. I think that is very rarely the case.

Q. Do they do so sometimes?—A. Yes; and sometimes far more, with fresh fish.

Q. In what manner has the fishery changed during the past ten years?—A. In the salt-fish business they make three trips a season.

Q. And sometimes four?—A. Yes.

Q. And with fresh fish, how is it?—A. These fish are saved in ice, and the object to be gained has not reference so much to quantity as to quality and the getting of them to the American market in a good state in the ice; consequently they make as many trips as they can, without regard to quantity.

Q. How many do they make?—A. If we exclude the fishery on the American coast from consideration, from six to eight or ten, and perhaps twenty trips a year.

Q. Is the cod fishing business on our coasts a pretty certain business?—A. The bank cod fishery is considered to be the most certain we have.

Q. Is it a certain business?—A. I think so. I think I might be borne out in saying that it is a certain business.

Q. Is it a profitable business?—A. It is.

Q. Are you aware of the mode in which the American fishermen procure their bait and ice for the carrying on of the cod fishing business?—A. On fitting out at home, they lay in a stock of bait and ice, which will last for a week or ten days, as long as the bait will remain in ice, and after this is exhausted they frequent the ports of Nova Scotia and Cape Breton for bait and ice.

Q. Are you aware whether they always bring their bait from home?—A. Frequently it is not to be had at home.

Q. And then they frequently come to our ports without it?—A. Yes; they then depend on securing bait on this coast before they go out to fish.

Q. What kind of bait do they procure for cod fishing at home?—A. During the month of March they procure herring saved in ice and brought from Newfoundland to the United States. It is called frozen herring.

Q. Do they bring any other kind of bait?—A. They also bring salt clams and pogies.

Q. Is this a proper kind of bait for cod fishing?—A. It is not so under the present system, because they now use trawls, and for these they must have fresh bait.

Q. It is now necessary to have fresh bait?—A. Yes.

Q. Under the present system salt bait will not suit their purpose?—A. Salt bait is used now, but to a very small extent.

Q. Could it now be used effectually or profitably?—A. No; if one vessel used salt clams on the trawls, and another fresh bait, the latter would make the best voyage.

Q. Under the present system, in order to carry on the fishery profitably, bait must be procured on our coast?—A. Yes.

Q. Could it be carried on at all, save by securing bait and ice on these coasts?—A. That question covers a great deal of ground.

Q. Speaking as a merchant, say whether it could then be carried on unless this were so?—A. I do not think that it could so be carried on; but vessels can and do take nets with them, and at some seasons of the year they catch bait on the banks.

Q. Do you know whether the Americans catch bait on our shores?—A. They frequently do so.

Q. If they were excluded from catching or buying bait on our coasts or in our ports, you consider that the Americans could not carry on the fishery?—A. I do not think that it could be profitably carried on under those circumstances.

Q. How do you consider that the business of cod-fishing has changed?—A. The same remark applies not only to cod-fishing but to all branches of the fishery. Within the past ten years, the consumers have been using fresh instead of salt fish. The salt-fish business on this continent is virtually at an end.

Q. Do you state that from practical knowledge of this business?—A. I am sorry to say that I do.

Q. And you find that the salt-fish business on this continent is at end?—A. Salt-fish business of all kinds is at an end. That remark applies to mackerel as well as cod-fishing, and indeed all kinds of fishing.

Q. How are fish supplied to the great market of the United States?—  
A. From Gloucester, Portland, and New York; but from Boston principally.

Q. And the fish is sent where?—A. To every town in the West.

Q. All over the Union?—A. Yes.

Q. In what way?—A. In ice; the fish is principally boxed in ice.

Q. Do you consider it to be more profitable to carry it from there to the places where it is sold in the States, or to transmit it thence directly from our own ports?—A. We have only had the advantage of having direct transmission to these markets by rail within the past year. This is an entirely new business.

Q. Connection was never made in this relation until this year?—A. No; it is an entirely new branch of the business, and it must be a success, from the fact that Halifax is bound to be the principal fish-shipping port. Boston, Gloucester, or any American port where vessels are owned will see the advantage of shipping fish from Halifax, which is situated within six hours' sail of the fishing-grounds, and in direct sail communication with every market in the West. A vessel can probably catch double the quantity in a year, by shipping the fish from here, compared to the quantity which she can now possibly catch.

Q. Owing to the connections which are now being made, you consider that it would be more profitable for the American vessels to carry on their business, which you consider to be the bulk of the business, by shipping directly from Halifax by railway?—A. Yes; from the fact that we are here within six hours of the fishing-grounds.

Q. Have you made particular inquiries on this subject?—A. Yes; and contemplate going into a business of that kind.

Q. And you contemplate putting your capital in it?—A. Yes.

Q. What do you conceive to be the prospects for that business during the next eight years, to the best of your judgment?—A. I cannot see how it can possibly fail. We have to supply the fish, and we now have access by rail to every market in America, and an easy access besides.

Q. I forget whether you stated the number of the American cod-fishing fleet?—A. I answered that by saying that these vessels were engaged alternately in catching cod and mackerel. The fleet numbers probably 500 sail.

Q. Why will not these cod-fishing vessels carry their fish to the American ports, and there tranship the fresh fish in ice?—A. They have to do so now, from the fact that the business to which I have alluded is not as yet organized.

Q. Why will they not continue to do so?—A. Because it would be far more to their advantage to discharge here.

Q. Explain.—A. For instance, a vessel may secure a trip to the Western Banks; she comes here, four hours' sail, and discharges her cargo, and is back there again in 24 hours. She can come in here in 4 or 5 hours with fresh fish, or at any rate in 6, 8, or 10 hours.

Q. Would it then be necessary to have an establishment here?—A. Yes.

Q. And ice?—A. Yes; and the means of shipping the fish in refrigerated cars, as is possible, from the American market.

Q. And the vessels can run in close alongside of the railway?—A. Yes.

Q. Or of other places?—A. Yes.

Q. At different points?—A. From any point in the harbor.

Q. And to different points in the provinces?—A. The railway facilities are, of course, now accessible here and at Picton in sea-ports.

Q. But what will be the case in the near future? When will the Eastern Extension Railway be finished as far as the Strait of Canso?—A. That is to be done in a very few months.

Q. This will then be an important place for such transshipping purposes?—A. It will be the most valuable, because it is the nearest to the fishing grounds.

Q. Then the mode to be followed would be to run in from the fishing grounds, in about four hours, and tranship the fresh fish to all points west?—A. Yes.

Q. And you, as a practical man, believe that this is the prospect for the fish business in the future?—A. I may be too sanguine, for of course I speak of a probability only, but I believe that within the next ten years the whole fishing business of the Dominion of Canada will consist in the transshipment of fresh fish from Dominion ports to the western markets by rail.

Q. And you do not believe that the American fishing vessels will carry their fish to American ports at all?—A. The American vessels will find it to their interest to ship from British ports.

Q. The calculations which you have made with the view of going into this business have convinced you that it will be very much more profitable than the present mode of carrying on the business?—A. Yes.

Q. And these railway connections have only been made this year?—A. Yes; and they are not complete yet.

Q. The railway leading to the Strait of Canso is only under contract and is in progress now?—A. Yes. I might say in this relation that even now the railway from Shediac is very largely utilized by American fishermen transshipping their fish to the United States markets in the salt state. A large quantity of American fish go over that road every year.

Q. If the American vessels are allowed to come inshore and fish as they do now, do you consider that this interferes with your profits as a British fisherman with capital invested in the business?—A. O, I think that the fishery will never be prosecuted efficiently by British interests while the Americans have the right so to fish.

Q. I believe that you were the consular agent for the United States at Canso?—A. Yes; I was.

By Mr. Foster:

Q. During what years?—A. I think up to the time I left Cape Canso, from some 10 years previously probably. I cannot just now remember the exact period.

Q. You left Cape Canso in 1869?—A. Yes.

Q. This business to which you have referred, when once established, will conduce somewhat to the prosperity of Halifax, would it not?—A. Most decidedly it would; that is the object of it.

Q. Is it not likely to make Halifax the shipping port for the fish business instead of Gloucester or Boston?—A. Under the present arrangements we never can draw American enterprise and capital into these provinces; matters are in a too uncertain situation to have such a result.

Q. But you think that it would be better for Americans to come with their vessels here?—A. Yes.

Q. Why should not American capital establish itself here if you must have more capital than you yourselves possess?—A. Just from the fact of this very meeting; the whole business is left in an uncertain condition. Some years the Americans are allowed to fish in our waters, and some years they are not so allowed; and again some years there is a

reciprocity treaty and some years there is not. Things are in such a shiftless state, that no prudent man in the States would so invest his money here.

Q. But if permanent arrangements were effected in this regard?—A. That would alter the question.

Q. Why would not Halifax be for eight years to come the center of the fishing business?—A. I think, that if I were in the fishing business in Gloucester I certainly would remove to Halifax in my own interest.

Q. And, inasmuch as vessels can be built here a good deal cheaper than in the United States, when once American capital was here, would it not be employed in building British vessels?—A. Yes.

Q. And one-half of the fishermen employed on American vessels are from these provinces?—A. Yes; I should think, that with fully one-half, this is the case.

Q. Then the result of such an arrangement as the present one being made permanent, would be, that these Provinces would attract American capital here, and that Halifax would be built up, that the fishing business would be done in British bottoms, and that the great markets of the West would be supplied from here?—A. Yes.

Q. Is there any business in this part of the world now, anything like as great as that will be?—A. We have a permanent fishing business here, but it is an entirely different business from that; it is the old business in salt fish.

Q. Is it anything like as great and valuable as it will be once, that the business to which you refer, is fully organized?—A. Decidedly not.

Q. Then if this arrangement, such as will exist for eight years to come, is made perpetual, it will make the fortune of the British American provinces?—A. It may make the fortune of the people engaged in the fishing business.

Q. But the prosperity of one class of men with large capital, generally is to some extent distributed about in their vicinity, is it not?—A. Certainly.

Q. What is the fresh bait that the Americans have to get in these provinces?—A. It depends on the season. The first bait used in the spring is herring. During the summer squid are so used to a very large extent; herring and squid are principally used for bait.

Q. Is there any other reason why they cannot bring their herring and squid from the States, except that it would not be fresh?—A. Well, there is not a sufficient quantity of bait to be obtained on the American coast. There is always a scarcity of it in that quarter.

Q. Is there not an immense quantity of squid found there?—A. Yes, at certain seasons; but the supply is very uncertain.

Q. They come on the American coast to spawn?—A. I do not think so.

Q. Why do you think that they come on our coast?—A. They came there as every fish does; their habits lead them there.

Q. They do not stay here permanently?—A. They stay nowhere permanently, apparently.

Q. Do they not come on the American coast in vast quantities, exactly as they do on this coast?—A. I suppose that they strike the coast in the same way.

Q. Do you happen to know anything about the way in which the French carry on this fishery?—A. I do to some extent, but I am not very familiar with it.

Q. It is carried on prosperously by them?—A. Yes; but they have the advantage of a very large country. The French fleet at Saint Pierre

is a school for the French navy. The men and vessels are both very heavily subsidized.

Q. Aside from that, they are prosperous and successful?—A. Yes; they secure a good catch of fish, and they live very economically. They conduct the business in a more economical manner than we do, and they make money where we would starve.

Q. Do you happen to know that they do not use fresh bait at all?—A. That is not a fact. They draw their supplies of bait from Newfoundland.

Q. Do they not salt the bait they use?—A. They do to some extent, but they are using fresh bait now. During the spring they used to prosecute the fishery with frozen herring, which they got on the Newfoundland coast.

Q. Frozen herring are not only obtained in Newfoundland, but also from various other coasts?—A. Yes. Grand Manan Island in the bay of Fundy, is a large herring depot.

Q. And they are also obtained from the Magdalen Islands?—A. No frozen herring came from there. The season is too late there for the purpose. Herring are not caught around the Magdalen Islands until the last of April.

Q. Is there no ice and snow up there in which to pack herring?—A. It has never been tried, I think. These fish are caught there after the ice season is over; after the frost is over and the weather is not cold enough to freeze them, when they are taken. The bulk of the frozen herring brought into the market is winter caught.

Q. And have they no facilities at the Magdalen Islands to freeze the herring caught there? Is this not done with snow and ice?—A. No. No herring are caught at the Magdalen Islands until the frost is out of the earth.

Q. And you know that no snow and ice are to be secured there?—A. No. The herring fishery at the Magdalen Islands does not commence until the last of April or the 1st of May, when there is no frost in the air.

Q. And don't they have snow and ice there?—A. Certainly during the winter, but not when the herring are taken. I have sent vessels there for ten years, and such a thing as snow and ice is not procurable at the Magdalen Islands.

Q. Then to say that they freeze herrings there would be incorrect?—A. Not at all. They can have ice-houses there as well as anywhere else, and cure the fish.

Q. But do they do so?—A. I do not know that they do to any extent; but they can do so. What we know as the frozen-herring business is not prosecuted at the Magdalen Islands; but American vessels may go there and get herring for their trips and keep them in ice.

Q. Where is Grand Entry Harbor?—A. At the Magdalen Islands.

Q. One witness has stated "a portion of the Island is of the Red Sand-stone formation; the sea has made large holes of the nature of caves into it, and snow which has drifted and ice which has formed in these places in winter, are found there until the whole of the summer." Is that correct?—A. Yes; but it is not utilized for the freezing of herring.

Q. Then you say that snow and ice are not found there?—A. I think that you misunderstand me; do you think that they would have a natural supply of snow and ice on the Magdalen Islands up to September? What I say is, that the herring fishery commences at the Magdalen Islands during the last week in April, and that what we know as the

frozen-fish business cannot be followed there, where the herring are not caught in the winter season.

Q. I understood you to say, that what is commonly known as the frozen-herring business is a winter fishery?—A. Yes.

Q. Then do you or do you not know, that at the time herring are at the Magdalen Islands, there is also to be found natural supplies of snow and ice with which to freeze those herring which are caught in the spring and summer months, and preserve them?—A. To preserve them would be a better term; you cannot freeze them then.

Q. Do you know that at the Magdalen Islands snow and ice are to be found, with which the herring there caught can be preserved?—A. Most decidedly I do; the same thing might be said of New Orleans, where snow and ice can be had for preserving fish.

Q. Then you do not agree with the statement that at the Magdalen Islands is to be found a supply of snow and ice any more than is the case with regard to New Orleans or anywhere else?—A. It would cost more, of course, to take it to New Orleans; but at the time the herring fishery is prosecuted at the Magdalen Islands the weather is not such as will produce frozen fish such as we understand them to be in commerce.

Q. Are facilities to be had at the Magdalen Islands for preserving fish there taken?—A. Decidedly so; very great facilities in this relation exist during the summer months.

Q. And those facilities consist of snow and ice?—A. Yes.

Q. Then the fish caught in the winter are sent to the United States? Explain how this is done.—A. The fish are caught and spread out, being divided so that the air will get to them. During the cold winter nights they are frozen solidly through, and in that state they are taken in bulk to the different markets. Strange to say, they will keep for a great length of time without packing, and the less ice placed among them the better.

Q. Explain how they take herring and preserve them for bait during the summer.—A. They are then taken and packed in ice.

Q. And snow?—A. Snow will not do for the purpose. Snow supplies too much liquid to be suitable for such preservation.

Q. Ice must be used?—A. Yes.

Q. You spoke of the bait used being chiefly herring and squid; would not frozen herring do?—A. Yes; but the difficulty is to keep them long enough.

Q. Until what season of the year will they do?—A. They will not do after the middle of April.

Q. Then they can use salt fish and bait packed in ice?—A. Yes.

Q. Did you ever hear of their using menhaden as bait?—A. Yes.

Q. Are they good bait?—A. Yes.

Q. All through the season?—A. No. This is salt bait.

Q. How late do you consider them to be good?—A. They are not good while you can procure fresh bait. No fisherman will use salt bait when he can use fresh bait, at any price; that is my experience. Menhaden are used during the scarcity of fresh bait.

Q. Do they use them to a certain extent during any other season?—A. They are kept as a stand-by on board of the vessels.

Q. Do you know anything about the manner in which the cod-fishery was pursued in former times?—A. During the bounty period American fishermen would fit out for a four-months' trip, taking an enormous quantity of clams, pogies, and menhaden. A large bounty was given

them by the United States Government ; they went on the Grand Banks, laid there for four months, and then returned home.

Q. Did they then use any fresh bait at all ?—A. I do not think that fresh bait was then known.

Q. For how many years was the cod-fishery thus carried on ?—A. It was so prosecuted long before my recollection.

Q. And during the last 200 years ?—A. Yes.

Q. Then it is very possible that the cod would not escape the American fishermen, if they had to use that bait again ?—A. The advance of improvement in the fishing business has killed that kind of bait.

Q. And is not seining likely to supersede all other modes of fishing ?—A. Seining will destroy the fishery in the end.

Q. But, as a means of fishing, it is likely to supersede all other ways of fishing ?—A. Yes.

Q. Is any difficulty experienced in using seines on the Banks ?—A. Cod can never be caught there in seines. They are not a schooling fish ; every one goes on his own hook. We do seine for cod on the Labrador coast, where they are known to school ; this is done while they keep along the shore, but it is the only time when it is known to be possible.

Q. Suppose that you put a fence around all your coasts, and ports, and harbors, so that no American could get there to fish at all, and that in return the Americans were spiteful enough to close their own markets to your fishermen, would Halifax then grow as you have described ?—A. We would then be thrown entirely on our own resources, and we would have the four millions residing in the Dominion of Canada to depend on for a market.

Q. Would not that answer just as well ?—A. Not as well as a market of 40 millions.

By Mr. Weatherbe :

Q. Did you understand the permanent trade to which Mr. Foster alluded to be the trade for eight years ? Do you consider that there could be any permanent investment of American capital here except a treaty was negotiated for a very much longer period than eight years ?—A. Most certainly not. No prudent man would change his business with only an eight years' prospect before him ; this was the case even during the ten years of the Reciprocity Treaty.

Q. The information which we are getting from you now, and which the Commission wish to have on this subject, relates to the privilege it is to the people of the United States to have access to our fisheries for these eight years ; this is the only question we are discussing ; and you do not consider that we would be benefited if the Gloucester people moved over to our shores ?—A. I do not see that we would be.

Q. During this treaty of eight years ?—A. No.

Q. You do not think that they would build up establishments and towns here ?—A. Not during the existence of a treaty for only eight years.

Q. What you mean is, that they could run their vessels in here ?—A. Yes ; and utilize our means of conveyance.

Q. With regard to landing at the Magdalen Islands, do you understand that the Americans had a right to land there previous to the Washington Treaty ?—A. I thought that these islands came under the same jurisdiction with our own provinces.

Q. You consider that their right to land there for ice or snow, as for anything else they require, in order to carry on the fishery, is obtained

under this treaty?—A. Yes; these islands are included in the same arrangement with Nova Scotia.

Q. You were asked something about a very long and a very high fence; but if the Americans were confined to their rights under the previous treaty, and if they were practically and effectually restricted from coming within the three-mile limit to fish, do you think that this would be an advantage or a disadvantage to us?—A. O, certainly it would be an advantage. It would assuredly build up the fishery interests of these provinces.

Q. If the American vessels were absolutely shut out from the three-mile limit you do not think that they would engage in the prosecution of our fisheries at all?—A. I think not.

Q. Mr. Foster said something to you about the possibility of the Americans, from spite or some other motive, imposing a very heavy duty on our fish; but where would they obtain their mackerel if this was done from spite, provided this could enter into any such question at all?—A. They would get their mackerel, if they got it outside of their own waters at all, from these provinces. The duty of \$2 a barrel, imposed on it at one time by them, did not prevent such shipments.

Q. Where do the American fishermen have to go for mackerel? Assuming that they were to have their mackerel fresh during the summer and the autumn, how would they supply the enormous demand for it?—A. Their own supply would be drawn from their own waters if they were excluded from our waters.

Q. Have they sufficient in their own waters to supply the demand?—A. Sometimes sufficient mackerel all told are not caught to supply the demand. This depends on the catch. I think that their catch would not be sufficient for the purpose.

Q. Would it be possible for them to impose a duty on mackerel entering the United States which they would not have to pay themselves?—A. If they were entirely excluded from fishing in British waters I think that they would have to pay any ordinary duty in addition to the regular cost of the fish.

By Mr. Foster:

Q. There never has been a duty imposed on fresh fish in your memory?—A. The fresh-fish business is entirely a new one.

Q. There never has been a duty levied on it?—A. No.

Q. Has there ever been a considerable amount of fresh mackerel sent to the United States from these provinces?—A. That is a new business.

Q. It is done chiefly by railway?—A. Yes.

Q. Prior to railroading, was it possible to do this business?—A. Yes; large quantities were sent by steamer to New York and Boston.

Q. How were the fish preserved?—A. They were boxed in ice.

Q. Were they got through in good condition?—A. Yes. Mackerel or any other fish will keep safely for a fortnight if boxed in ice. This is the case with salmon.

Q. And mackerel will keep as well as salmon?—A. Yes; I think that salmon are, perhaps, the most tender fish we have.

Q. What did I understand you to say about contemplating going into the fresh-fish business?—A. I think that an opportunity for doing a very profitable fresh-fish business from this port is now presented.

Q. And you are contemplating going into it?—A. Yes.

Q. You are not going to wait eight years before doing so?—A. I am not an American.

Q. And you think that you can safely engage in the business of send-

ing fresh fish to the United States!—A. Yes; because I have the advantage of securing the fish within the three-mile limit, and of railway communication, whatever treaties may say.

Q. And do you expect to supply the American market with mackerel?—A. That would be a part of the business.

Q. How would you send them?—A. By rail altogether, packed in ice, except when it would be necessary to supply some seaport towns in the States.

Q. Where would you find your shipping places in the States?—A. I would ship directly to the American market from here.

Q. Where to?—A. To the whole West—Saint Louis, Chicago, &c.; it would be almost impossible to enumerate them.

Q. And what kinds of fish do you intend to send there?—A. All kinds of fresh fish; even lobsters. A very large business is to be done from this province in fresh lobsters packed in ice.

Q. And you think that this business is tolerably independent of any treaty?—A. It can be done by us, if we are not crowded off the ground by American fishermen.

Q. There will be no duty for eight years, and at the end of eight years you fancy that duty will not hurt you?—A. There is no duty imposed on fresh fish, and there never has been.

Q. But there may be, I suppose?—A. Yes. I would expect to draw my supplies very largely in this business from American fishermen; it would be to their interest to come here.

Q. Does not all that depend on having the freedom of the fishery on the one hand, and on the other hand the freedom of the markets?—A. Most decidedly it does.

Q. And it will be to the mutual advantage of both parties?—A. You may make any treaty or impose any tax you like, but trade will find its own level.

Q. Don't you think that an unjust exclusion can effect it? Cannot duties graded from prohibition to a low duty do so?—A. Trade will naturally find its own level; of course, a wall of tariff will exclude it.

Q. You never have thought of going into the business you mention until within the last year?—A. I have thought of it since our railway facilities for communication with America have improved.

Q. Do you labor under the impression that there is any difference between the rights possessed by Americans on the Magdalen Islands previous and subsequent to the Washington Treaty?—A. I always thought that the Magdalen Islands came under the same restrictions in common with our own province.

Q. You have testified under the impression that the Americans acquired new rights on the Magdalen Islands by this treaty?—A. Yes.

#### No. 26.

JOHN STAPLETON; 54 years of age; hotel-keeper, and formerly a fisherman, Port Hawkesbury, Cape Breton, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How many years have you been engaged in the fishing business?—Answer. I went fishing very young; it is about 36 years since I went for the first time.

Q. You have had about 36 years' acquaintance with the fisheries?—A. Yes.

Q. And your acquaintance with the business has continued more or less ever since?—A. I was fishing from that time till 1851.

Q. You were actually engaged in fishing during that time?—A. Yes.

Q. And since then you have lived in Port Hawkesbury?—A. Yes; and have been in the coasting trade.

Q. You were fishing from year to year?—A. Yes.

Q. And were connected with the business all the time?—A. I kept up my knowledge of it.

Q. When you commenced fishing 36 years ago, in what branch of the business were you engaged?—A. In cod fishing.

Q. Did you continue in that business during a number of years?—A. I so fished for two or three years.

Q. In what vessel did you fish—American or British?—A. I went in an American vessel.

Q. Where did you prosecute the cod fishery?—A. In North Bay.

Q. Where is North Bay?—A. We call it North Bay after you go to the northward of Port Hood, in the Gulf of St. Lawrence.

Q. Where did you fish?—A. We fished across to North Cape, and off North Cape in shoal water.

Q. You call the Gulf of St. Lawrence North Bay?—A. We call Prince Edward Island in North Bay.

Q. You are speaking of the years 1836, 1837, and 1838?—A. Yes; along there.

Q. You were in an American vessel at the time?—A. Yes.

Q. You fished off North Cape, Prince Edward Island?—A. Yes.

Q. How close to the shore?—A. About two miles or one mile and a half. We were in shoal water fishing in the spring school.

Q. The bulk of the cod are caught outside of three miles from the shore?—A. They catch them on the Banks in trawls.

Q. When you were fishing you caught them inside the limit?—A. Yes.

Q. And the boats caught them inside?—A. Yes.

Q. How many quintals did you get?—A. I think the last year I was fishing for cod we got 600 quintals.

Q. That was a good catch?—A. Yes; for the size of the vessel; we had only six hands on board.

Q. Where did you go after 1839?—A. I went to the States and fished off the American coast and in the gulf for mackerel.

Q. Where did you catch mackerel in American waters?—A. We got them on George's Bank.

Q. That is 150 miles from the American shore?—A. Yes; we mostly fished there in summer.

Q. Do you fish off the American coast or in Massachusetts Bay?—A. We fished on Middle Bank in the fall; it is half-way between Cape Ann and Cape Cod.

Q. Where did the fleet catch fish there—as close to the shore as in North Bay?—A. They caught them inshore. There are boats fishing there. I think, as a general rule, the larger vessels go outside.

Q. Where did you then go?—A. I fished on George's Bank.

Q. And the vessels that usually fished with you, where did they go?—A. A big fleet would be out on George's, Middle, and Jeffrey's Banks, and Cashes' Ledge, and around there. Small vessels would fish inshore.

Q. Did you find those waters prolific in fish?—A. About 300 barrels in a season would be a pretty good catch.

Q. You are now speaking of George's Bank?—A. Yes.

Q. How long does the season last?—A. We used to get cod during

the first part of the season, and we fished for mackerel when they got fat.

Q. How many years did you continue to fish in an American vessel off the American coast?—A. About three years.

Q. Where did you go then?—A. The last year we were fishing off there, we went to George's Bank, the usual ground. We could not find any fish there, and we then came down to North Bay. We fished off Tracadie on the north shore of Prince Edward Island, and anchored there. We went very close inshore and got about 150 barrels.

Q. That was off St. Peter's, Prince Edward Island?—A. Yes; a storm came on and we went into the harbor and afterward came out.

Q. In what vessel were you there?—A. In the Tasso, of Lockeport, Captain Storey.

Q. How far from the land were you when you caught those 150 barrels?—A. About one mile; we were right off the harbor. We did very well there. The fleet afterward gathered round and kind of broke up the school. We went from there to Margaree Island, and anchored at night under the island. The whole fleet was there, and cutters were on the coast. At that time we were about giving up and deciding to go home. In the morning pretty early, as soon as it was light, we sprung up the vessel and all hands went fishing. A cutter came down to the island from Port Hood that night.

Q. The cutters were there?—A. Yes, at the time.

Q. This was in 1841?—A. I think so. We were fishing when a cutter came round the point and fired a shot.

Q. The cutter caught you in the act?—A. Yes; there were about 20 or 30 vessels on the grounds. They were close inshore; a number cut their cables and cleared off; the cutter took five vessels. Some who were farther out hauled to and were taken, while many of those closer in escaped; the cutter would not have taken so many vessels if they had not hauled to. I afterward went to the States, settled up my business, came home, and bought a little vessel of my own.

Q. How close were you to the land when the cutter came?—A. About a quarter of a mile from shore.

Q. You made a large haul of fish?—A. I suppose we would have made a large haul if the cutter had not come.

Q. All the vessels were close inshore?—A. Yes; on the south side of the island.

Q. Then you went fishing in your own vessel, a British vessel?—A. Yes.

Q. How many years did you prosecute fishing in your vessels?—A. Three years. I owned the Gannet, Harp, and Elizabeth Ellen.

Q. Over how many years did that extend?—A. I think up to 1851.

Q. Did you do pretty well in these vessels?—A. Yes; I did pretty well. I did so well I thought I would knock off and go into the trading business, and then I put my foot into it.

Q. During the whole number of years you were in the business in American vessels and in your own vessels, where did you fish?—A. I fished pretty much all over the bay.

Q. Name the places. Were you in Bay Chaleurs?—A. Yes; we fished from East Point up toward Georgetown, and from that by the north side of the island to North Cape.

Q. You fished along the island?—A. On the north side of the island there is a good fishing-ground, and also from North Cape to West Cape?

Q. You fished, then, on the northwest of the island?—A. Right inshore, near the land. And also on the west coast of New Brunswick to

Escuminac and Point Miscou, and from Point Miscou by Shippegan, and from that to Paspebiac and Port Daniel and down to Gaspe, around Bonaventure Island and as far as Cape Rozier.

Q. During this time you were brought into full contact with the American fleet?—A. Yes; always.

Q. And did the American fleet fish at the same places as you did?—A. Yes.

Q. During these many years, how far from the shore were fish generally taken?—A. The fish were always some way or other inshore; we always fished inshore.

Q. Take Bay Chaleurs, for instance; where did you find fish there?—A. Inshore.

Q. Did you find many in the center of the bay?—A. We never thought of fishing in the center of the bay. We fished on either the north or south side of the bay.

Q. What proportion of the whole catch of fish do you think is taken inshore? I suppose some are caught outside on banks Bradley and Orphan?—A. O, yes; we have had a great deal of talk about the quantity of fish taken inshore and offshore.

Q. You have had conversation with American captains about it?—A. Yes.

Q. And with the officers of cutters?—A. Yes. I have talked it over with everybody.

Q. It has been a matter of general discussion?—A. Yes.

Q. What is the result?—A. The result is that, I think—I may be wrong and I may be right—that three-fourths of the fish are caught inshore.

Q. That is of mackerel?—A. Yes.

Q. As regards your own catch, what do you think is the proportion?—A. I caught all mine inshore.

Q. You never caught any outside of the three-mile limit?—A. No; never any outside.

Q. In 1851, I think you said you were fishing?—A. That was the last year I was fishing.

Q. That was the year of the great gale?—A. I was in Tracadie, on the north side of the island, at that time. I went in there on the night of the gale.

Q. You got clear?—A. Yes; I was after going out of the bay. We had made two trips; I went in for the third trip, and was there one day, and then made for Tracadie, intending to fish off there; coming in at night and going out in the day fishing.

Q. After the gale, did you abandon fishing for the season?—A. I fished ten days after the gale. I assisted to bury some of our neighbors, who had been lost, on the island, and afterward went to Margaree Island.

Q. That is off Cape Breton?—A. Yes. I thought I would make one push more to complete the trip before going home. The cutters were in the bay at the time; because I recollect that at Magdalen Island I saw a schooner from Gloucester. I asked the captain if he had caught any mackerel; he said, "No," for he thought I might be a spy; but I saw from a streak in the water that mackerel were there.

Q. You came to the conclusion that mackerel were there?—A. Yes; and anchored.

Q. How far from the shore?—A. About a quarter of a mile. It was the same old place where the vessels had previously cut their cables.

The next day it was blowing; but it was not long before fifty sail were there.

Q. All American vessels?—A. Yes; I lee-bowed the Village Belle, of Gloucester, Captain Harvey (he had 100 barrels on deck at the time), and took 90 barrels out of the same school.

Q. Did all the fifty vessels fish within a quarter of a mile of the shore?—A. Yes.

Q. Did they all get good catches?—A. Some, who had been fishing before in the bay, finished their trips by 12 o'clock, and hauled their colors for home.

Q. Did every one of the fifty vessels get a full fare?—A. They pretty well filled up by that time; some remained afterwards. I remained till I got 180 barrels. I got 90 wash-barrels that day, and made it 180 barrels before I left.

Q. In the same place?—A. Yes.

Q. You all got fares there?—A. Yes.

Q. Near Margaree?—A. Yes; close inshore and around Cheticamp.

Q. What price did you get for your fish?—A. I sold them next spring in Boston, to Messrs. Snow & Rich, for \$21 and \$22 per barrel. I brought the crew out in the fall before.

Q. You have spoken of 50 vessels being here and 50 vessels there; what was the number of the American fleet in 1851?—A. I think, in 1851—it would be hard to recollect the number—it would be over three hundred vessels.

Q. Near Margaree?—A. No; but at and about and along East Point, there were all 300 of sail at the time of the American gale.

Q. But about how many vessels did the fleet in the gulf that year comprise?—A. I don't remember how many were there.

Q. Have you seen three hundred sail at one time in the bay?—A. Yes; at Port Hood at one time.

Q. You are not able to state the number of the fleet in the bay?—A. No.

Q. As you have been a practical fisherman I wish to ask you what the average catch of the fleet would be. Can you state that?—A. For a year?

Q. Yes; or any number of years. Of course, only during the time you were fishing.—A. The number of barrels? I suppose it would be an average of 500 or 600 barrels. That is what we generally understand. Some used to get three trips. I have known some to get three trips.

Q. On that three-trip question, what proportion would make three trips?—A. I venture to say one-fourth of the fleet. They would bring in two trips to the strait and ship them in coasters or land them there, and the third trip they would take on themselves.

Q. That is to save the time of going home?—A. Yes.

Q. Well, this present year have you taken any notice of the fleet passing through the Gut of Causo?—A. I have taken notice. I have not been interested in it. I did not take as much notice as if I had known.

Q. That we were going to call you?—A. Yes; but I hear the American captains. A great many of them call at my place at our harbor, and I have a way of seeing them. I am acquainted with a great many of them. They do not find any fish on their own shore this year. We find a great many of these seiners come down. The way we know them to be seiners is that they tow their seines.

Q. Have they more boats than usual?—A. Yes. I was speaking to

one captain there, seeing that he had a great number of dories, and I asked what he was doing with them. He said that they found that the mackerel was close inshore; that they could not get in for them with the vessel, and were going to use dories.

Q. They find them so close in that they take dories to enable them to catch them?—A. Yes.

Q. Do all the fleet pass through the gut that go to the bay?—A. No.

Q. How do they go?—A. Some of them go around Scatari, and up off Flint Island. They have very fine fishing along that coast off Cape Smoky and Aspy Bay. Aspy Bay is rather a fine fishing ground.

Q. Then it is not necessary to go through the gut at all?—A. No. If they are going to Magdalen Islands or anywhere there they often go this way (pointing on the map to course outside of the island of Cape Breton).

Q. I understand that a number go that way?—A. Yes; some go to Sydney.

Q. Then it is only a portion that go through the gut?—A. Yes. In clear weather they find the Strait of Canso very handy to go through, but if it is not clear weather they go round, many of them. I have known several captains tell me, when they were coming home through the gut, that they had gone around outside.

Q. It depends upon the weather to a large extent?—A. Yes. If a man does not want any fitting out, instead of, perhaps, having to beat up the strait, he might run down the eastern shore of Cape Breton and be on the fishing grounds at once.

Q. Now, you have been living for the last fifteen or sixteen years at Port Hawkesbury; is there bait caught there? Is that a good harbor for catching squid?—A. Yes; they are getting into it now for a few years back. It is only lately that they have found those squid there—two or three years.

Q. What do they use that bait for?—A. For trawling on the banks.

Q. For cod?—A. Yes.

Q. Have the Americans been there catching these squid?—A. Yes.

Q. Have you seen them yourself?—A. Yes.

Q. Numbers of them?—A. Yes.

Q. How many have you seen with your own eyes?—A. This year? I suppose 15 or 20 sail; last year about 25 or 30 sail; and partly the year before. They come in and anchor, and put two men in a dory, and scatter over the harbor. They are at it night and day. In the night they have a lantern, and the squid come around and are caught. In two or three days they have got their bait, and away they go to the Banks.

Q. Where do the trawlers get their bait, all of them?—A. The whole of them? Well, they get their bait on all parts of the Nova Scotia shore; that is, when they can't get squid on the banks. There is only a certain season on the Grand Bank that the squid are there. When it is there they get it there, but when they cannot they come inshore and get it. They either buy herring or mackerel, or they catch squid. Whatever they can get by catching or buying they put in ice and then go back.

Q. Why cannot they prosecute the bank fishery without this?—A. Well, the fish won't bite without something.

Q. Cannot they bring these from their own country?—A. Yes; that is all very true. It may be that the first trip, when they went from home, they had bait; but that will last for only one or two baitings.

And if they cannot get bait on the Bank then they have to haul up their anchor and get it inshore.

Q. Well, it is necessary for them then to buy bait from you?—A. Well, the salt bait will not catch the fish while there is other bait there.

Q. For trawling it is absolutely necessary to have fresh fish?—A. Yes; if it was not necessary they would not come.

Q. And besides the bait they must have ice?—A. Yes.

Q. Do large numbers get it?—A. Yes; a good many go into Newfoundland shore and get herring. The rest come to our shore; the nearest place they can get.

Q. Without it they could not prosecute the cod fishery at all?—A. Not to any success.

Q. Now, as to the American coast-fishing; have you ever known of any British vessels going there to catch mackerel?—A. I heard tell of one.

Q. We have been chasing that one now for a long time. Can you give us the name of her?—A. No; I cannot.

Q. Did you ever see any one that could?—A. I think she is like the "Flying Dutchman."

Q. Would you yourself like to invest money fitting out for that fishery?—A. I would have no chance.

Q. It would be nonsense to talk about it at all?—A. Certainly.

Q. It is not feasible?—A. No.

Q. Supposing the Americans were not allowed to fish within 3 miles of the coast, could they make any fist of fishing in the gulf?—A. I do not think they would continue it.

Q. Just give us your candid opinion.—A. My candid opinion would be that they would not send vessels for more than one or two years before they would give it up altogether.

Q. It would not pay then?—A. It would not pay. They want all the privileges they can get before it pays.

Q. You don't think the American owners of these vessels would send them?—A. I think it would be a failure.

By Mr. Dana:

Q. You have, for a good many years, been upon the American coast?—A. Yes; I was a few years fishing there.

Q. Now, I suppose it is true, then, is it not, that all the American coast, from Barnstable, Provincetown, and all the way up to Boston, and from there down the coast of Maine, there are a great many boats engaged in the day and night fishing for mackerel and other fish?—A. That is called the inside fleet. Yes.

Q. That is different from the vessels that do the outside fishing?—A. Yes.

Q. Is not that inside fleet very large in the State of Massachusetts, for instance?—A. Well, yes; I have seen them coming out of Provincetown.

Q. Take Gloucester. When there is mackerel close inshore, have you not seen them by hundreds?—A. Sail-boats! Yes, I have seen them.

Q. By hundreds?—A. Yes.

Q. How large are those boats that do this day fishing? They are boats mostly, are they not?—A. They are from 20 to 30 tons. I suppose they have large ones.

Q. Then there are those that fit out to be gone some length of time, and engage in deep-sea fishing?—A. Yes.

Q. What kind of a craft did you go in?—A. I went aboard a vessel

always. I went in a vessel and went to George's Banks. We went for codfish in the spring and mackerel in the summer.

Q. Have you ever been fishing for mackerel in November?—A. We fished on Middle Bank. That is between the two capes, is it not? Rather nearer Cape Cod, perhaps.

Q. And off Cape Cod you have fished?—A. Yes; I could get no kind of mackerel in November. We never fished about Chatham.

Q. Well, on Middle Bank and inside Cape Cod, the mackerel you got there were very good, were they not?—A. Yes.

Q. They were fat and large?—A. Yes.

Q. When was it you gave up fishing; that is, as counsel said, as a practical fisherman?—A. Well, in 1851.

Q. You have been trading, then, 26 years?—A. I went trading and then coasting. Now I am a hotel keeper.

Q. How long were you trading?—A. I was from '51 to '57, about 6 years.

Q. What kind of trading was it?—A. I would buy fish and sell goods.

Q. Did you buy bait?—A. No; I bought fish salted in barrels. If I bought the fish fresh I salted them. I would also buy them salt.

Q. Where did you send your fish for sale?—A. Generally to Boston.

Q. Did you sell codfish?—A. I did not do anything with cod.

Q. Did you buy American bait and sell it again to your own people?—A. No. Those fishermen I traded with were fishing with nets along the coast. They were seiners.

Q. The Americans did not come in there at that time to refit?—A. Yes; but I was not in that business. I went in my vessel.

Q. At that time, when you were in business, they used to refit there?—A. They refitted in Port Mulgrave. I did not do any of that business. I saw it going on.

Q. They used to land their cargoes?—A. Yes.

Q. Many would buy their barrels too?—A. Yes.

Q. They would buy their bait sometimes?—A. They would buy bait.

Q. Well, you went fishing in vessels off the coast here. I do not mean in boats, but vessels off your own coast. I suppose the habits and modes of fishing in British and American vessels are the same?—A. Yes.

Q. You would not hesitate to catch where an American vessel was catching?—A. No; we learned that trick from them.

Q. But you improved on it?—A. I don't think it is a fair trade, though.

Q. How did you do about the boats that were out? You did not feel bound to keep away from a good mackerel catch because American boats were catching there?—A. I would divide the school with them.

Q. And with an offshore wind you would heave to?—A. Yes.

Q. There was a little danger of drifting down upon them?—A. We could always manage that.

Q. They could manage it too?—A. O, yes; they could haul up the killock, or pay out more.

Q. There is no grievance about that, is there?—A. No.

Q. Well, Port Hawkesbury now has squid, has it?—A. Yes; it comes off there in the spring.

Q. How long does the squid last there—how many weeks?—A. It will come in maybe a week, and go out again, and be away, and perhaps the same or another school will come in again in a week's time. I

have seen them go ashore, and I don't believe the fishermen ever knew they were there until two years ago.

Q. What part of the season are the squid to be had?—A. In July off and on to the latter part of October. The time is quite uncertain. You may stay a week inside for them, and go away without them, and perhaps the moment you are gone another vessel may come in and get them.

Q. How do you manage, suppose there is no vessel there when they come in? Do you catch and keep them?—A. No; we don't bother with them. They were thinking of icing them—that is, of catching a lot and putting them in ice to keep, until a vessel came in and wanted them. But it has not been done yet.

Q. When the fishermen buy them they buy them fresh and ice them?—A. Generally when they are in they catch them; they have squid-jigs.

Q. Whenever they catch them they put them in ice?—A. Yes; they have a place for the bait, and they break up the ice and put it on them.

#### No. 27.

MICHAEL WEAYTON, of Barrington, Shelburne County, N. S., ice merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You live at Barrington, Nova Scotia?—Answer. Yes, sir.

Q. I think that is close to Cape Sable?—A. Yes, westward of Cape Sable 8 or 10 miles.

Q. How long have you lived there?—A. I have lived on the island where I reside now about 21 years. I used formerly to live at a place near that.

Q. You have been acquainted with the way of American fishermen coming in for bait for a number of years?—A. Yes, I have been dealing with them now for several years.

Q. Well, before you did deal with them, did you know their ways of coming there?—A. Yes, sir, they came there occasionally for bait, often, very often; these vessels that fish on our coast around Cape Sable Island, off LaHave Bank, and along there.

Q. They are cod-fishers, are they not?—A. Partly. There are some halibut catchers.

Q. They catch halibut and cod?—A. Yes. Fresh-halibut fishers, I mean.

Q. That is chiefly a deep-sea fishery, is it not?—A. Yes.

Q. Where do the American vessels, engaged in that fishery, get bait?—A. They generally take enough from home to last them a trip, but if it spoils or if it runs out then they calculate to take a fresh supply. They generally get that from us.

Q. They get their fresh supply where?—A. On our Nova Scotian shore. They frequently call in at my place for it.

Q. Do they get ice as well as bait?—A. Yes; they very often get ice. Last year I supplied them.

Q. Are you aware that they sometimes run over direct from Gloucester without bait and get the first bait here?—A. Yes; frequently. I have had them come directly from there without any. Captain Arroget, from Gloucester, came over last year without any at all. I think he came for the whole season's bait. He then went to George's Bank. I

think I have heard him say he found it better to do so. He did that quicker than if he had stopped there for it. He was fresh-halibut fishing in deep water.

Q. Do many American fishermen come in the course of the season there along the south coast?—A. Yes; they are coming in there all the time.

Q. What kind of bait do they generally get?—A. Mackerel in the spring and herring in the summer. They come there as soon as they hear of the mackerel being taken.

Q. They buy the early mackerel for bait for cod-fish?—A. Yes, sir.

Q. Do they preserve that bait in ice?—A. Yes, sir.

Q. Does salt bait answer for cod-fishing at all?—A. O, no; fresh bait is always used now.

Q. Are you aware that there are Americans using salt bait at all for cod?—A. I don't know of its being used at all now.

Q. Do they get squid in your neighborhood for bait?—A. Not often.

Q. It is only mackerel and herring they get?—A. That is the chief bait they get.

Q. What time do the mackerel come in?—A. About the 15th of May. We get large mackerel then; it is poor, however.

Q. They are poorer then, and you sell them for bait to the Americans?—A. Yes.

Q. Do they ever come in themselves and fish for bait?—A. They only buy. I don't know of their catching any; they don't think it would be worth their while. They would lose time, I suppose. I have heard them say it was not worth their while to catch it, and that they would sooner come in and buy it.

Q. What is the average size of the American vessels that come in there for bait?—A. From fifty to one hundred tons.

Q. How much bait does a fifty-ton vessel generally require?—A. They take from 10 to 15, 20, or 50 barrels for bait. I think some take over 50. It depends upon the size.

Q. They take ice also?—A. Yes.

Q. They use ice for preserving bait, do they not?—A. Yes.

Q. Did it ever come under your notice on any occasion that they threw over the bait that they had themselves caught on their own coast and bought fresh bait?—A. Yes; their bait very often spoils when they are a little while out. They lose it; it sours and is no good. I have known one vessel come into my wharf once; I think she threw over 17 or 18 barrels of bait alongside the wharf and took a fresh supply of herring-bait and ice. That was in the summer.

Q. Had she been fishing?—A. I understood that she had not been more than eight days from Gloucester.

Q. How did it happen that the bait was destroyed? What was the trouble?—A. I do not know what was the cause, but it soured on them and was no good.

Q. Is there any bait as good as that got on the Nova Scotian shores?—A. No; it won't catch a half or a quarter of the fish that our herring-bait catches. They all admit it is not as good.

Q. What bait do they take with them generally?—A. Generally the porgy.

Q. It does not answer for cod-fishing?—A. It is not so good.

Q. These porgies do not keep fresh any length of time?—A. No.

Q. They are a very fat fish, are they not?—A. Yes.

Q. Is that the reason? They do not keep any time in the ice, according to your experience?—A. No; not long. They admit that the her-

ring they get along the Nova Scotian shore is the best bait. They found that out lately.

Q. Can they get any herring on their own coast?—A. Well, I am not aware of it unless they get it at Matinicus, in the State of Maine. Sometimes they go up there and get some, and sometimes they go to Grand Manan.

Q. Well, now you say they get ice from you?—A. Yes.

Q. Last year they got considerable ice from you; that is, not only from you personally, but along the coast?—A. Yes; they did. Every one of them got a good deal more last year than this; that is on account of a great ice-house being established there at Gloucester. The ice company have contracted with the merchants at Gloucester to take ice for ten years, at \$2.50 per ton. The merchants are bound to take it. But there are a good many outsiders again that do not take it from Gloucester, and they take it from me.

Q. I suppose they are bound to take the ice from this company; but do they take enough to complete their trip?—A. They most frequently run out.

Q. But then cannot they go back to this company in Gloucester?—A. Well, it is much nearer to come to Nova Scotia.

Q. As a matter of fact, do they take time to go back?—A. No; they get it on our coast.

Q. Then the fact is, that this company only compel them to take their first supply of ice?—A. Yes; they are obliged to take the first supply, and there are a great many that don't take any more than they are obliged to even at that.

Q. But there are some outside of that arrangement altogether?—A. Yes.

Q. And those that are obliged to take it only get the first supply, and come to our coast for subsequent supplies?—A. Yes.

Q. After the Reciprocity Treaty expired, in 1866, down to the Washington Treaty, in 1871, did they come in surreptitiously at all and get ice on the Nova Scotian coast?—A. Well, they used to; yes.

Q. In spite of the cutters?—A. Yes; they used to come in.

Q. They would run the risk in order to get their bait?—A. Yes.

Q. Since 1871, there being no trouble, do they come in great numbers?—A. Yes; they used to come in whenever they could. I used to sell ice to them whenever I could.

Q. Before this Treaty of Washington?—A. Yes, even when the cutters were in the harbor I would do it.

Q. They would run the risk even then?—A. Yes.

Q. What do they say themselves about that privilege of getting ice and bait? Could they carry on the cod-fishery without it?—A. I don't think they could carry it on successfully.

Q. Well, no man carries on an unsuccessful business if he can help it.—A. Well, they might carry on the business, but if you excluded them from coming in to our shores they would have to get it somewhere else, and I don't know any other place to get it unless they would go home.

Q. They would lose a great deal of time in doing that?—A. Well, you can judge.

Q. Do you think it would be possible to carry on the deep-sea fishery without coming to the British coast for ice and bait?—A. I do not think they could carry it on successfully.

Q. Is that the opinion of the American ship-owners and ship-masters, those with whom you dealt?—A. That is their opinion.

Q. Did you ever hear a contrary opinion?—A. No. I know from ex-

perience that they could not do so. They have taken as much as two and sometimes as high as three baitings. I can show you drafts for two baitings in the same trip.

Q. What do you mean by that?—A. They will get ice and bait to last for a certain time. Perhaps they will not make up their trip, and will come in for another supply. I mean that they will get two baitings for the same trip from home. They will come in perhaps two or three times.

Q. How many trips will they make from Gloucester?—A. They generally make a trip in 3 or 4 weeks. I have known a vessel go to Newfoundland and get a full load of halibut, 100,000 or over, and come in along the shore to my place. They have gone even to Seal Islands and back, and taken ice from me to cover their halibut, so as to have them in good order to go in to Gloucester.

Q. It is your opinion, from your own experience, that they could not prosecute these fisheries without the privilege of getting ice and bait, and they admit it themselves?—A. Yes.

By Mr. Foster:

Q. You have been in the business of supplying bait and ice for 7 years. Can they get from your neighborhood the other supplies that they need?—A. No; they do not require many other supplies.

Q. There is no place where they could buy provisions and things of that sort?—A. There are places, but they are generally provided themselves. Bait and ice are what they want chiefly.

Q. You sell them what bait they require?—A. Well, if we haven't it at our harbor, we are generally in communication with other harbors, and if they haven't the money I have given them cash to buy bait, and sent them to other harbors to get it.

Q. Then either from your establishment or in your neighborhood they can get all the bait they need for the summer, can they?—A. Yes, unless there happens to be a total failure.

Q. Well, usually?—A. Yes.

Q. What is the bait you sell them?—A. We sell them mackerel bait in the spring, during the mackerel season, while the mackerel last. They don't last a long time, only from the 15th of May to the last of June. Then the herring strike in.

Q. Can they get along with mackerel and herring all through the cod-fishing season?—A. Yes.

Q. How do they get along without squids?—A. They don't require them. They sometimes fall in with squids to the eastward. They catch the squid.

Q. Well, they can get along with herring and mackerel without any squid and caplin?—A. Yes.

Q. If it happened that they were not allowed to go to Newfoundland, they could get along just as well by coming to Nova Scotia?—A. Yes; they could get bait and ice.

Q. There is nothing that the cod-fishermen cannot be supplied with here in Nova Scotia without going to Newfoundland, is there? They don't have to go to Newfoundland to get anything that they cannot get on your coast?—A. Well, they can; if they are bound to Newfoundland they sometimes prefer taking their bait down there; but it is so uncertain—the bait being found sometimes in one harbor and not in the next—that they will take it here in case they can't get it afterwards.

Q. You have been in this business for some years?—A. Yes.

Q. You have advertised?—A. Yes.

Q. I hope the business is profitable ?—A. Well, it is.

Q. You get along pretty well ?—A. Yes, until this year. That big ice-house has knocked me up a little.

Q. You own an ice-house ?—A. Yes, and the island it is on.

Q. I rather think you are near enough here to get your share of this business with the Gloucester ice-house ?—A. Well, I try. They offer their ice for \$2.50 a ton, and I offer mine for \$1.50. It will not be my fault if I do not get a share.

Q. You advertise in the Gloucester papers ?—A. Yes ; I put it in a paper there.

Q. (Reads from witness' advertisement.) This is your advertisement ?—A. Yes.

By Mr. Thomson :

Q. That advertisement shows how thoroughly you can supply those fishermen ?—A. I do not supply them all ; not one-quarter of them. I wish I could supply them all.

Q. You were asked whether the cod fishery in Newfoundland could not be carried on without going there for bait. I suppose you don't know the extent of the cod fishery on the Banks ?—A. No.

Q. You are speaking at random when you say that they could carry on all the cod fishery there.—A. I do not know about Newfoundland. I only know they sometimes get bait from us. And sometimes they store it at Canso.

Q. Do you undertake to say that the Newfoundland cod fishery could be carried on without squid or caplin ? Do you, of your own knowledge, say that ?—A. No ; I do not know anything about it. I cannot certify anything about that.

By Mr. Foster :

Q. You know that some American vessels fish for cod without going near Newfoundland for bait ?—A. Yes ; plenty of them.

Q. There are a number you say that get their bait and go to George's for cod fish ?—A. Yes ; they take their ice from here and go right back to the George's.

By Mr. Thomson :

Q. Where are the George's ?—A. They are on the American coast.

By Mr. Foster :

Q. They are farther off than the Newfoundland Bank ?—A. No ; I do not know exactly the distance. They are not more than 90 or 100 miles.

Q. How far is it from you to the Newfoundland Banks ?—A. It is a long way off.

By Mr. Thomson :

Q. These American vessels that go to fish on the Banks of Newfoundland, the Grand Bank particularly, they would not come to you for bait ? That would be out of their course ?—A. No ; they would not come unless it was that they could not get it there. They prefer taking it down there. I have heard them say they would take it down there as it would not spoil.

Q. You say that several vessels have come to you to get ice and gone off to George's to fish ?—A. Yes.

## No. 28.

DANIEL STUART, of Halifax City, hotel-keeper, on behalf of the Government of her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. What is the name of the hotel you keep?—Answer. The Mansion House.

Q. You were a master mariner for some years?—A. Twenty-three years.

Q. And you also were engaged in the fishing business?—A. Yes.

Q. In what years?—A. In 1861, 1862, and 1863.

Q. What vessels were they?—A. The Julia Ann, from Portland, in 1861; the W. H. Rogers, from Portland, in 1862, and the Northwester, of Gloucester, in 1863.

Q. Were there any other vessels, or any other years, that you were engaged in fishing?—A. No.

Q. Where did you fish in the first year, 1861?—A. Under Cape George and along that shore.

Q. At Margaree, in the Gulf of St. Lawrence?—A. Yes.

Q. How long were you fishing there?—A. Five weeks.

Q. How many barrels of mackerel did you catch?—A. Five hundred and fifteen.

Q. In the next year, 1862, how long were you fishing?—A. Seven weeks.

Q. Do you know what the tonnage of the first vessel you were fishing in was?—A. I could not rightly say.

Q. Was that a full fare that you got?—A. Yes; she was under one hundred tons, I should judge, considerably.

Q. You got a full fare?—A. Yes.

Q. She went home?—A. Yes.

Q. You were only one trip that year?—A. Yes.

Q. The next year how long were you out?—A. Seven weeks.

Q. What fare did you get?—A. Four hundred and seventy barrels.

Q. Was that a full fare?—A. It was not, but we went home with that.

Q. You just made one trip?—A. Yes; it was a fall trip. Next year we were out in the summer.

Q. How long were you out?—A. I was pretty near four weeks in the vessel. I left her in Canso. We had 220 barrels when I left her.

Q. Now, I want to ask you where you caught those fish?—A. We caught in three days 227 barrels on Cape George, close in among the fishing boats.

Q. In the last vessel, the Northwester, where did you catch?—A. We caught off shore altogether.

Q. How far from shore did you catch?—A. About 7 or 8 miles.

Q. What vessel are you speaking of?—A. The Northwester.

Q. Now the other vessel?—A. The other vessel, we fished inshore altogether; at Cape George, Port Hood, and Margaree.

Q. Do you say altogether?—A. Yes.

Q. How many of these fish were caught inshore?—A. The whole of them. The whole of that season's fish.

Q. At the time you were fishing, did you see other vessels?—A. Yes.

Q. How many?—A. Every day we saw more or less, 10, 15, or 20 sail all the time.

Q. Where did they catch their fish?—A. Close to us.

- Q. All together!—A. Yes.  
 Q. Did they catch altogether within shore?—A. Yes.  
 Q. How far from shore?—A. About three-quarters of a mile; from that to a mile.  
 A. Somewhat.  
 Q. You conversed with them?—A. Yes.  
 Q. Now, would those vessels come into the bay to fish if excluded from fishing within three miles?—A. I think not.  
 Q. Why not?—A. Because they don't get any fish worth while off shore. They have to come inshore to get them.  
 Q. You have stated the whole of your experience?—A. Yes.

No. 29.

AUGUST 22, 1877.

The Conference met.  
 JAMES MCLEAN, merchant, Letite, parish of St. George, Charlotte County, New Brunswick, called on behalf of the Government of her Britannic Majesty, sworn and examined.

By Mr. Thomson:

- Question. You reside in the county of Charlotte, in the Province of New Brunswick?—Answer. Yes.  
 Q. That is near the head of the Bay of Fundy?—A. Yes.  
 Q. On the north shore of the bay?—A. Yes.  
 Q. In what parish do you live?—A. In the parish of St. George.  
 Q. Are you engaged in the fishing business?—A. I trade in fish.  
 Q. You live close to the shore of the bay?—A. Close to the shore.  
 Q. There are a number of harbors at that part of the coast; in which harbor do you carry on business?—A. We have a store at Letite and another at Black Bay.  
 Q. Both of which are on the shores of the Bay of Fundy?—A. Yes.  
 Q. How long have you been engaged in the business?—A. About 17 years.  
 Q. What is the chief fishery carried on there?—A. Our chief fishery is herring.  
 Q. You are acquainted with the fishery from Lepreau to Letite?—A. Yes; very well.  
 Q. That is along the main-land?—A. Yes.  
 Q. Among the islands lying along the coast are Campobello, Deer Island, and some minor islands?—A. Yes.  
 Q. Besides Grand Manan?—A. Yes.  
 Q. Deer Island and the smaller islands immediately around it are known as the parish of West Isles?—A. Yes.  
 Q. Campobello is a separate parish by itself?—A. Yes.  
 Q. And so is Grand Manan?—A. Yes.  
 Q. And they are all within the limits of Charlotte County?—A. Yes.  
 Q. They are all British islands?—A. Yes.  
 Q. Will you explain to the commission how the herring fishery has been conducted? Take the last ten years if you like.—A. Our chief fishing commences some time in November, and extends during the winter, in fact along the spring, till the last of April or first of May.  
 Q. You are now speaking of the last ten years?—A. Yes.  
 Q. How are the herring disposed of?—A. They are disposed of in a frozen state; they are caught and frozen and sold to the people who come to buy them in vessels; some are taken to Eastport, barreled up,

and shipped to Boston in a frozen state; they are also disposed of in our markets, at St. Andrew's and St. John, and are sent throughout the Dominion.

Q. Do you put up in salt any herring?—A. Yes; we salt some; if the weather is not very cold, freezing, we salt them.

Q. What other fish do you take besides herring?—A. Cod, haddock, hake, and pollock.

Q. Take the herring; are they all caught inshore?—A. The herring are all caught inshore.

Q. What about the other fish?—A. The other fish are chiefly taken inshore, except codfish, some of which are caught outside of three miles.

Q. This applies to haddock, hake, and pollock?—A. About all are caught inshore.

Q. What do you mean by inshore?—A. I mean within three miles of the shore.

Q. Are they caught very near shore as a rule?—A. Sometimes very near.

Q. On the main-land, take from Lepreau to Letite, how many vessels and boats are employed by British subjects?—A. From Lepreau to Letite I should think there are between 50 and 60 vessels.

Q. There is a good deal of boat fishing?—A. Yes.

Q. How many boats are employed?—A. I should think there would be from 150 to 200 boats.

Q. That is from Lepreau to Letite?—A. Yes.

Q. What is the distance?—A. About 21 miles. I think there are 150 boats at least.

Q. Take the two harbors in which you carry on business—Letite and Black Bay—what will be the number of boats in those harbors alone?—A. About 70 boats.

Q. There is a good deal of business done as you go in the direction of Saint John; take Beaver Harbor; how many boats are there at that harbor?—A. A large number.

Q. It is an excellent fishing ground?—A. It is a splendid fishing ground.

Q. Are there as many at Beaver Harbor as at Letite and Black Bay?—A. I think there are.

Q. Then how many boats are there at Lepreau?—A. Not a large number there.

Q. What is the number at Maces Bay?—A. A few boats there.

Q. There is a place called Deadman's Cove?—A. Yes.

Q. Is not that a good fishing place?—A. Yes; a few boats are owned there. There is also Black's Harbor.

Q. Will not the number of boats at each of these places added together give more than 150?—A. I give you the number at 150; I dare say there are more. I don't want to overdraw it; I want it to be under the number.

Q. You are sure there are 70 between Letite and Black Bay?—A. Yes.

Q. You are equally sure there are as many in Beaver Harbor?—A. Yes; I think nearly as many.

Q. Do you think there are only 10 additional boats as far up as Lepreau?—A. It may be 200; it will be fully up to 150, quite likely 200.

Q. You can speak positively as to 150, and there are quite likely to be 200 boats?—A. I have no hesitation in swearing to 150.

Q. Take the vessels; how many men will be employed on each vessel on an average?—A. The vessels are of different tonnage. Some may

have as many as from 6 and 8 to 10 men. Our vessels for herring fishing are of small size.

Q. How many men do the boats employ?—A. There are generally two men in each boat.

Q. I presume these vessels are used for herring fishing only in the winter season?—A. For the herring fishing in the winter season. When the herring is right inshore, the natives along the shore use boats. When the herring move off, if they have not vessels, they cannot follow the fish. They have to go in vessels to follow the herring, perhaps ten miles along the shore to another harbor.

Q. Before the Treaty of Washington, in 1871, how did you deal with the fish? Did the Americans come in as much after the abrogation of the Reciprocity Treaty and before they commenced under the Washington Treaty?—A. Not catching herrings.

Q. Did they do so after 1871?—A. Yes.

Q. Tell the Commission how you dealt with the herring before 1871?—A. We dealt with them as we do now. The Americans came down and bought them; if not, we loaded a vessel ourselves and shipped them frozen to New York.

Q. There was no duty imposed?—A. We never had a duty charged on frozen herring and fresh fish.

Q. What was the duty on salted herring before the date of the Washington Treaty?—A. Half a cent a pound right through or \$1 per barrel, and 50 cents a quintal on dried fish.

Q. Notwithstanding that duty, you shipped largely to the United States?—A. Yes; it did not make any difference to us, duty or no duty.

Q. Before the Reciprocity Treaty, did you get as high or higher prices as now for your dried fish?—A. We got higher prices than now, a good deal higher than we are getting this season.

Q. You made more money after paying the duty than you do now?—A. Yes.

Q. Since the Washington Treaty the Americans have come down and fished a great deal?—A. Yes.

Q. Are the fishing grounds in your locality entirely in British waters?—A. Our herring fishery is altogether in British waters—all that I know of; I don't know of any in American waters.

Q. It is altogether within the three-mile limit?—A. Altogether. I don't know of any beyond three marine miles of the shore not within our locality.

Q. Do you think the Americans fish anywhere for herring except on the coast?—A. I don't think so; not in our neighborhood.

Q. And so with regard to the other fish, except cod, which is caught outside?—A. A great many of the cod are caught inside and a great many outside of the limits.

Q. You put the cod as being chiefly caught outside the limits?—A. Yes.

Q. But haddock, hake, and pollack are all inshore fish?—A. I should say chiefly inshore with us.

Q. You own fishing-vessels yourself?—A. Yes; and supply fishermen.

Q. Do you fish for cod, pollack, and haddock as well as herring?—A. Yes.

Q. You know where the catch is made—that it is all inshore?—A. Principally. I don't go in my own vessels, but I know from the statements of my captaius. I keep the run of them and know where they are.

Q. Leaving out cod, are the other fish you have mentioned caught in-shore or off shore?—A. Our haddock, hake, and pollack are all inshore fish.

Q. You speak from your own experience as a vessel-owner?—A. Yes; from my own experience.

Q. Can you see them fishing from land?—A. Yes.

Q. And they all fish within the three miles?—A. I should think so.

Q. Have you any doubt about it?—A. I have not much doubt about it. They may go a little outside; but we call those all inshore fish.

Q. You have stated the number of British vessels and boats in your locality; what is about the number of Americans who have come there annually since the treaty?—A. Do you take the county of Charlotte?

Q. Take the mainland.—A. In the winter-time we are outnumbered.

Q. How many fish in the winter-time?—A. In the herring fishing on our coast in winter there are from 100 to 125 American vessels fishing, small and large.

Q. That is, from Lepreau to Letite?—A. Yes; off Beaver Harbor, Black's Harbor, Black Bay, and Lepreau.

Q. What size are the vessels?—A. They range from 10 up to probably 40 or 50 tons.

Q. For what are they fishing?—A. For herring chiefly; a few fish for haddock.

Q. Do those who fish for haddock fish for herring as well?—A. No; they are generally separate.

Q. How many come down for haddock fishing?—A. Not many come close to our shore for haddock. I know of one or two personally; there may be more.

Q. All the rest of the fleet of 150 vessels fish for herring?—A. Yes, of the 100 or 125 vessels.

Q. Will you state to the Commission the process of fishing, what the Americans do when they come down there?—A. They come down in their vessels. They frequent our harbors in blustering weather, and in fine weather they go out in the morning and set their nets. They have anchors to their nets and large warps, and set a gang of nets, two or four nets, to a boat. The nets are all allowed to remain out all night and taken up in the morning, if it is not windy. If it is too windy the vessels remain in harbor, and the nets have to remain in the water until there is a chance to get them taken in. The vessels do not take up the nets, the boats are sent after them, and in blustery weather it is not a very nice job. The herring is taken on board of the vessels. Sometimes, if there is a large catch, the men take the herring to the beach and freeze them; if there is only a small catch, they freeze them on deck, but they cannot freeze the fish so well on deck as on shore.

Q. As a rule, I believe they land the fish?—A. Yes.

Q. They scrape away the snow and lay the herring on the ground?—A. Yes, and let them freeze. In the morning they take the herring and sell them; there are buyers always in the harbor.

Q. These vessels which receive the herring as soon as frozen are different vessels?—A. Yes; they are outside of the 125 I mentioned.

Q. These are American vessels which are in the harbors with buyers on board?—A. Chiefly American vessels.

Q. The herring are taken ashore frozen and then taken in small boats to vessels outside, and sold to buyers?—A. Yes.

Q. And I suppose when those vessels are loaded and leave, their places are supplied by others?—A. Yes.

Q. The business is carried on in that way until, in the spring, the fishing-vessels go away empty?—A. Yes.

Q. They have sold the fish as they caught them?—A. Yes; they dispose of the herring just in the same way as our own vessels. Some vessels sell what they catch during the winter, and then catch a load, or part of a load, go home, and sell them. As a rule they go home empty.

Q. Is a catch of fish a cash article?—A. Yes.

Q. The cash is handed over to the seller immediately the fish is delivered. They pay so much cash per 100; what do they pay for herring?—A. It is according to the season and the scarcity. They generally start at the first of the season at from 45 cents to 50 cents, and at the latter part of the season they go down to 45 cents, 40 cents, 35 cents, and 30 cents per 100.

Q. Would you average them at 40 cents all round?—A. They would go at very nearly that, I should think.

Q. Without the privilege of landing and putting the herring out to freeze, the American fishermen could not very well carry on the business?—A. It would be a little awkward.

Q. You say they could freeze only small quantities on deck?—A. The herring must be kept separate and turned over; they cannot freeze very well when lying 6 or 8 inches deep. They must get the herring thoroughly frozen—just like ice.

Q. It is practically impossible to freeze them in that way on deck unless the catch is very small?—A. Unless the catch is very small.

Q. It is much more convenient to land?—A. Yes; with large quantities it is more convenient to land.

Q. Is it not a very great convenience and privilege to the Americans to be allowed to do so?—A. I should think so; I look upon it as such.

Q. The Americans themselves consider it a privilege to land?—A. I suppose so.

Q. Obviously it is a very great privilege?—A. It looks that way. I know that all our fisherman have to land to freeze the fish, and the Americans follow the same methods. There is no difference between them at all; at least I do not see any difference. They fish in the harbor just in common with our own men.

Q. Before the Americans came there it was the rule, I think, that no nets should be left set in the day-time?—A. That is our law.

Q. And there is a very good reason for it?—A. Yes. The reasons for it are diverse. When a great many fishermen are there, if they leave their nets set in the day-time it scares the herring away. There will be at such a time probably 20 or 30 tiers of nets, and if they are left in the water during the day, this frightens the fish away.

Q. Before the Americans came in there at all, I understand that the nets were not left down in the day-time?—A. Yes; the reason why was, that if the nets are so left set it scares the herring out of the harbor.

Q. Because the fish can see the nets in the day-time?—A. Yes. They will not mesh in the day-time, but they will during the night.

Q. They do not catch themselves in the nets during the day?—A. No; nor on moonlight nights.

Q. The night is the proper time to put out nets to catch herring?—A. Yes; and the darker the night the better.

Q. In fact, the regulations were such that the fishermen had no right to keep their nets down in the day-time, and none were to be set from sundown on Sunday night until sunrise on Monday morning?—A. I believe that such was the case.

Q. And the Americans have come in and changed the practice!—A. They fish every day.

Q. They keep their nets down all day!—A. Yes; and all day Sunday.

Q. Do they take their nets up on Sunday?—A. Sometimes they do and sometimes they do not; this is done just as it suits themselves.

Q. They fish Sunday and Saturday alike?—A. I do not see that they make any difference.

Q. What is the effect of that kind of fishing on the fish?—A. It drives the herring from right close inshore to one and a half miles and two miles off shore—out of our harbors into deeper water.

Q. Has the American system of fishing been destructive to these fisheries?—A. Yes.

Q. Explain.—A. For one thing, they set rather too many nets. If there is a large school of fish, they set so many nets that they cannot take proper care of them all; and if nets are allowed to remain long in the water when full, they sink after a certain time to the bottom; and if they are so allowed to remain for 24 to 48 hours the fish become spoiled, and they corrupt the bottom of the fishing-grounds.

Q. When they sink to the bottom, the herring and nets are all lost!—A. Generally this is the case. Sometimes the nets are recovered after two or three days full of half-decomposed herring. The nets are not spoiled, but the herring are, and the bottom is corrupted. The herring die a short time—a few minutes—after being caught in the net.

Q. What is the effect of all this on the fishing-grounds?—A. They are corrupted, and the herring shun the spot; they will not frequent these grounds at all, but keep farther out.

Q. Is the herring spawning ground near your coast?—A. Herring appear to spawn all the year; we find that this is the case in all our harbors.

Q. I believe that their chief spawning-time extends from about the middle of July to the middle of September?—A. It extends from the 15th of July to the 15th of October.

Q. That is what is called the close season?—A. Yes.

Q. But you think some spawn all the year round?—A. I have no doubt of it.

Q. Have you seen herring spawn in the winter?—A. Yes.

Q. Where?—A. In the herring in the boats on the coast.

Q. Showing that they were ready to spawn?—A. Yes. I have made inquiries of the fishermen about it, and one man in St. Andrew's Bay told me that after a net was sunk for ten or twelve days it would be all covered with spawn. I could rely upon this person. The spawn become attached to the net from the bottom. At the time we were trying to have St. Andrew's Bay set off as a spawning ground. St. Andrew's Bay empties into the Bay of Passamaquoddy.

Q. It is sometimes called the inner bay of Passamaquoddy?—A. I suppose that it is.

Q. Was not that at one time a great herring ground?—A. It was once a splendid fishing ground.

Q. Since the negotiation of the Washington Treaty, and since the Americans have fished there, what has become of it?—A. It has been destroyed within the last two years; it is now no good whatever.

Q. How did the Americans destroy it?—A. By bringing too many vessels there and by setting too many nets. The water is quite rough there at times, the wind blowing heavily in from the northwest. Northwest winds prevail in winter, and three years ago we had a very hard

winter. There was a great deal of wind, and a very great number of nets were set. Within a few hours of their being set, at night, they would be full of herring, and perhaps they were not drawn for a week or ten days, and perhaps never; and when this was done, they were found full of rotten and corrupt herring. Many nets were allowed to lay there, and this altogether destroyed these fishing grounds. Within the last two years we have got no herring at all there worth speaking or taking notice of.

Q. This has been done by American fishermen!—A. Not altogether; the American fishermen helped to do it; a great many Americans were concerned in it, but our fishermen were in it too.

Q. Were your fishermen driven to it in order to compete with the Americans?—A. They have to do it; they must do it.

Q. Another mode of fishing—trawling—is practiced with larger fish, such as pollack, haddock, &c.; explain the effect of it.—A. Trawling has been pursued, as I understand it, during the last six or seven years.

Q. That is, since the ratification of the Washington Treaty?—A. Yes; it began about six years ago. Our fishermen commenced to trawl with 500 hooks, but the number has gradually crept up, and this year they trawl with from 1,500 to 2,000 hooks. We found after the first one or two years' experience at it that on the ground where we had trawled one year no fish were to be got the next year; then we would have to go half a mile or so farther out. One of the reasons for the disappearance of the fish is the throwing over of the gurry there.

Q. Gurry is the offal of the fish?—A. Yes. The skate, a fish that lies on the bottom, eats this offal; but these lines destroy about all these fish and leave nothing to eat up the offal.

Q. How is this done?—A. The hooks lay right on the bottom, and the skate, which act as scavengers, also lay right on the bottom, and as these hooks lie close to them, they swallow the bait lazily and are drowned.

Q. The same statement holds good with regard to the mother fish?—A. The mother fish are stupid about the time of spawning, and then lie on the bottom; and they take hold of these trawling hooks. These hooks are small; a great deal smaller than the hand-line hook, which is double their size. The hand-line fisherman lets his line down, and as soon as he strikes the bottom with his lead, he hauls the line up about six feet.

Q. How far is the lead placed above the hook?—A. About a fathom. He hauls the line up so as to have the bait clear of the bottom and clean; and so the mother fish hardly ever pay attention to it. They do not want to catch these fish, but the trawling hooks catch everything, including little fish and mother fish.

Q. When they are hauled up, what is the result?—A. A great many large fish have swallowed the smaller hooks, and their mouths being kept open are drowned. They drop off the hooks dead to the bottom, and the fishermen tell me they believe that one-half of the fish that they kill on the trawls they do not get.

Q. This is in addition to the taking of small fish, which are useless to them?—A. Yes.

Q. Are no skate and pollock, &c., taken?—A. Yes; but skate are no good save to act as cleaners of the grounds and eat up the offal.

Q. The Americans introduced this system of trawl-fishing?—A. Yes; I believe they got it up.

Q. What is the effect of this trawling on the bottom, on marine weeds and other substances on which the fish feed?—A. It clears the grounds

of all weeds and vegetation, and in fact of about everything on them. It scrapes the ground clean and brings up all kinds of substances, owing to the great number of the hooks.

Q. The practical result of trawling is, that one-half of the fish they do not catch but kill, and the fishermen have to move off to other grounds?—A. That is the consequence of it.

Q. And it destroys the food of the fish besides—such as marine plants?—A. O, yes; we sometimes catch fish with their entrails full of marine stuff which comes from the bottom.

Q. What would you say would be the average yearly value of the fish caught by British subjects in Charlotte County, from Lepreau to Letite? What number of herring is taken by each man on the average?—A. It would be pretty hard to give that. They vary a good deal. I should think that in a fair season a man should average at least 40,000. If he does not do that he will do a very poor winter's work.

Q. Is it your opinion that each man must do that and more?—A. Yes, and more. If he does not do so he cannot live and pay his bills.

Q. That is exclusive of other fish?—A. O, yes.

Q. Judging from your practical knowledge of the fishery, being an owner of fishing-vessels, and dealing with the men who fish as you do, what do you say, at a low figure, would be the value of the fisheries and the actual worth of the fish caught by British subjects between the points you mention, from Lepreau to Letite? What would be a fair average value from 1871?—A. I should estimate the quantity for Charlotte County and the adjoining islands. We all fish, and it would be difficult to separate the two.

Q. You are acquainted with the catch of the islands as well?—A. Yes; I visit Grand Manan Island occasionally, and the adjoining islands often.

Q. What is the catch of the whole?—A. A low estimate for our fishery would be \$1,000,000 for each year.

Q. For British subjects?—A. Yes.

Q. That is a low estimate?—A. Yes; I think I am under the mark; in fact, I have no doubt of it at all.

Q. And it may be a good deal more?—A. Yes.

Q. You have not a shadow of a doubt that it is at least a million?—A. No.

Q. And our American friends take a considerable amount more?—A. They take as many.

Q. They have more men and more vessels?—A. Yes.

Q. And they take at least as much?—A. Yes; fully as much as we do, if not more.

Q. Have you any doubt that they do take more?—A. I believe that they take more.

Q. You have no doubt of it?—A. No.

Q. That would make a million dollars' worth taken by them?—A. They must take a million dollars' worth.

Q. That is at the very least calculation?—A. Yes; I put it down as low as possible to be safe and sure.

Q. They take at least as much as we do?—A. I believe that they take more, and they take as much anyway.

Q. The American catch, as well as our own, on which you place an estimate of a million dollars in value, is taken within three miles of the shore?—A. Yes. I am confining myself to within the three-mile limit.

Q. Do many American vessels come down there for bait?—A. A good many do.

Q. You have stated that the proper season for herring was from November to March and April; do the Americans confine themselves to that season, or do they fish during the summer months?—A. They fish during the summer in common with our fishermen. The herring are about that time on our shore, and about May they leave it. Then fishing for herring as a business is discontinued, and we go for pollock, and cod, and haddock. In the spring, right on our main shore, for about three or four weeks, there is not much fishing to speak of; this is a kind of rest, though the fish apparently play in at the time. The men then go after hake and haddock.

Q. And the Americans come down for them?—A. Yes; just the same as our own men. I do not see any difference between them.

Q. And they are fishing there now?—A. Yes, every day.

Q. In large numbers?—A. Yes.

Q. How is the fishery this year?—A. It is very good indeed.

Q. For pollock?—A. The pollock fishing is a little extra this year.

Q. Point out Quoddy River; is not the catch of pollock there large?—A. Yes.

Q. No fish are caught in American waters in that quarter at all?—A. The fishermen do not fish in American waters; that is, they do not make a business of it. I have never seen them do so.

Q. What is between the islands is what is commonly called the Quoddy River, which is a strong sea current?—A. Yes.

Q. There are numerous eddies in it, and in them you get the pollock?—A. Yes; when the tide is running, we fish on what is called the slack.

Q. There is an extra catch of pollock this year?—A. I was talking to several persons there and they informed me that from 800 to 1,000 quintals of pollock were caught daily.

Q. That is between these islands?—A. All this was caught in British waters.

Q. And is not more than half of these fish taken by Americans?—A. We estimate that fully one-half is so taken.

Q. What are pollock worth a quintal?—A. The price is very low at present; it ranges from \$1.25 to \$1.50 a quintal.

Q. This is an exceptionally low year as regards price?—A. Yes. Last year we paid \$2.75 and \$3 a quintal.

Q. Along the coast of Maine, say from Eastport westward, there lives a large population who fish entirely in our waters?—A. Yes. They came from Lubec, Perry, Pembroke, and Eastport, and along by Cutler, and westward of Lubec, and still further away than that.

Q. And from Machias?—A. I think so.

Q. They all come and fish in our waters?—A. Yes.

Q. And not in their own waters?—A. I do not know of any fishing within the three-mile limit in their waters.

Q. Within three miles of their coast, there is no fishing of which you are aware?—A. Yes.

Q. And this is a population that lives by fishing alone?—A. From Eastport and along there, they follow fishing for a livelihood beyond question.

Q. So that a large body of American fishermen gain their whole livelihood in our waters?—A. Yes. Those that fish there do.

Q. What would you say is the quantity of herring alone that comes to Eastport in the course of the season; how many millions go to that small town during this period?—A. I should think, at the least calculation, from 7 to 10 millions.

Q. All caught in our own waters?—A. Yes. A few might be caught outside of them.

Q. And your estimate is rather under than over the mark?—A. Yes. This is the way in which I want to put my estimates.

Q. Judging from your practical acquaintance with the fishery, about what profit on the \$1,000,000 you mentioned as having been taken in value each year out of our waters, would be actually made by the American fishermen, putting it down at a low estimate?—A. That is a pretty hard question to answer. When we supply the fishing-vessels, we find the provisions, lines, hooks, nets, &c., and give the men one-half of the catch. They have nothing to find, while on board, save their clothing; or we charter the vessel for one-seventh of the catch in fish or in value, and the men find their provisions, salt, &c.

Q. Putting it at a low estimate, what would you say would be the profit they would make on the average from year to year?—A. I think they ought to make one-quarter or somewhere in that neighborhood.

Q. Is not that a low estimate?—A. I do not know but what it is, but I do not know as it is, taking one year with another. I think it is about right. I would not like to state it any higher; it is an expensive business.

Q. If this treaty was at an end and the Americans kept out, would it be better for British fishermen?—A. I think so. That was my experience prior to the treaty; there was such a tremendous number of Americans fishing in our waters that it was better when they did not have the right to fish in our waters. We then had better times and got more fish, and could afford to pay the duty.

Q. This was the case in your neighborhood when a duty was imposed?—A. Yes.

Q. And then you had the same privileges as now with regard to the sending of fresh fish free into the American market?—A. Yes.

Q. If the Americans were kept out of our waters altogether, and you had the privilege of sending fresh fish into their market free, would it not be vastly better for you than now?—A. Yes.

Q. There is no doubt about that?—A. None whatever.

Q. Is there any other place where the Americans can get their herring in the spring?—A. Yes.

Q. Where?—A. I know that they procure herring down here in Nova Scotia in the winter time at Prospect and Halifax, and that they go to Newfoundland for them.

Q. But there is no other place where they may go for them, to your knowledge?—A. I do not know of any other place during the winter.

Q. You think that we have tolerably safe fishing from November in the winter?—A. Yes; we have good harbors.

Q. Land-locked harbors?—A. Yes.

Q. The Americans come down and buy herring for bait?—A. Yes.

Q. When?—A. Principally in the spring.

Q. Does not the whole Gloucester fleet come down for bait when going to fish on the Banks, or George's Banks, and the Banks of Newfoundland?—A. A number do. I should think that from 75 to 100 sail, large vessels, come down there generally every spring.

Q. For bait alone?—A. Yes.

Q. Do they catch or buy it?—A. They generally buy it.

Q. Do they buy or catch about Grand Manan Island?—A. The report from several there is that they generally catch it there.

Q. And with you they generally buy it?—A. Yes.

Q. And sometimes they catch it?—A. Yes; they have that privilege. If they can buy it cheaper they do so.

Q. So as not to waste time?—A. Yes. We generally prefer to buy bait for our own vessels in the spring.

Q. If you are sending vessels to the Banks, you prefer to buy the bait and send them right off?—A. Yes; that is it exactly.

Q. In consequence of the fishery regulations for the last 8 or 10 years, have you found that herring or other fish have with you increased in number?—A. The herring, since their spawn has been protected, have increased wonderfully.

Q. Where are their chief spawning-grounds?—A. Off the southern head of Grand Manan Island.

Q. That is their great spawning-ground for the Bay of Fundy?—A. Yes.

Q. If that is destroyed, what will become of the herring fishery?—A. It will be ruined.

Q. Are you aware whether it has been meddled with by the American fishermen, in spite of the regulations and attempts made to prevent it?—A. Yes; this has been often the case.

Q. They lie off and come in at night?—A. Yes.

Q. In spite of efforts made to protect the grounds they come in?—A. Yes.

Q. It requires a cruiser to keep them off?—A. Yes.

Q. You are aware that the Dominion, within the last eight or ten years, has gone to large expense to protect the fishery all along the coast?—A. I have so understood.

Q. Who is the warden at Grand Manan Island?—A. Walter McLaughlin.

Q. And at Deer Island?—A. James M. Lord.

Q. These men look after the fishery grounds?—A. Yes.

Q. And in spite of all they can do the American fisherman will come in?—A. Yes; that is what I understand to be the case.

By Mr. Foster:

Q. How many years did you state that you had been in the business of trading?—A. About 17.

Q. And how far are your two stores from each other?—A. About two miles by land.

Q. And by water?—A. Between three and four miles.

Q. How large is the village where you reside?—A. It contains from 70 to 80 rate-payers.

Q. And how many inhabitants?—A. From 300 to 350.

Q. That is St. George?—A. No. It is Letite, in the parish of St. George.

Q. How many inhabitants are there in the village in which your other store is situated?—A. Nearly 400; and I suppose there are about 80 rate-payers.

Q. In these two villages live about 700 people?—A. Yes.

Q. How many live in the whole parish of St. George?—A. I cannot give the exact figure. The population of the county of Charlotte is 25,000, I think.

Q. What is its area?—A. The county is about 50 miles long; it is extensive.

Q. It runs back a considerable distance?—A. Yes.

Q. How near Fredericton does it run?—A. It is some distance from Fredericton.

Q. Is the amount of business you do about the same from year to year? Has it been diminishing or increasing in these two stores?—A. It has diminished some within the last year or so.

Q. When was it the largest?—A. About four years ago.

Q. About how much business did you then do?—A. My brother and I do not take stock, but we would estimate the business for the year at between \$80,000 and \$100,000.

Q. For the two stores?—A. Yes.

Q. And your business consists in buying and selling fish?—A. Yes.

Q. And you pay for a good many fish in goods?—A. Yes.

Q. Then your business is almost wholly done in connection with the boat-fishing?—A. Yes.

Q. How many men would there be in a boat?—A. In the small boats, two.

Q. These would deal with you?—A. Yes.

Q. Did you say you had fishing vessels?—A. We own shares in some of them.

Q. What is their size?—A. They are quite small; they range from six to about sixteen and twenty tons.

Q. In how many vessels do you own shares?—A. In four.

Q. Do you handle the catch of the vessels—perhaps that is your chief reason for investing in them?—A. Yes.

Q. Do you sell goods for cash?—A. Yes.

Q. To what extent?—A. We handle from \$50,000 to \$60,000 worth of fish a year.

Q. And the remaining \$20,000 or \$30,000 of your business is done for cash?—A. Yes.

Q. How much of this \$60,000 is represented by herring?—A. We have not handled a great many herring of late years. The Americans come in and buy them up; and we do not bother with them.

Q. What is the fish which you principally handle?—A. Haddock, hake, cod, and pollock. We handle a good many pollock.

Q. What do you do with the pollock?—A. We ship some to Portland and we sell some in the Dominion.

Q. How do you cure them?—A. We salt and dry them.

Q. Like cod?—A. Yes.

Q. Pollock is inferior to cod?—A. Yes.

Q. You have no market for pollock in the United States?—A. We have some market for it there.

Q. Where?—A. Principally at Portland.

Q. But you have no market for consumption there?—A. I do not know whether they consume them or not.

Q. Is not a good deal of pollock shipped direct from the province to the West Indies?—A. No.

Q. Where do the hake go?—A. The hake and haddock go to the West Indies.

Q. Do you sell them to the Americans or ship them?—A. We sell them chiefly at Yarmouth, N. S.

Q. And they are shipped thence?—A. I suppose so.

Q. I understand you to say that the price of herring is now very low?—A. The price of pollock is very low.

Q. And herring too?—A. I do not think I said so with reference to herring.

Q. Take smoked herring?—A. They are very low in price.

Q. Do you do much of a trade in smoked herring?—A. No.

Q. How do you get them?—A. In boxes.

- Q. Of whom?—A. The fishermen who smoke them.
- Q. What are they worth a box?—A. About 17 cents.
- Q. How many does a box hold?—A. About 70. These are a small herring.
- Q. Is not a larger herring caught in your neighborhood?—A. Yes.
- Q. How is it sold?—A. By the hundred or by the barrel.
- Q. What do these sell for by the hundred?—A. From 30 to 50 cents; and sometimes for more.
- Q. How large are they?—A. They are from 12 to 13 inches long, I should think.
- Q. How many of them are there in a barrel?—A. I think about 500.
- Q. What proportion of the herring taken in your vicinity goes to the United States?—A. I think three quarters.
- Q. Where does the remainder go?—A. It is sent to St. John's, through the Dominion, and all around.
- Q. To what do you attribute the low price of herring?—A. I think that too many are caught.
- Q. Is there any diminution in the supply?—A. I do not think so.
- Q. They are superabundant?—A. Yes.
- Q. Has not the disposition to eat smoked herring fallen off?—A. I cannot say.
- Q. Do you not happen to know that they are less eaten than they used to be?—A. No.
- Q. Are the herring taken in the winter and frozen used for food and bait?—A. They are used chiefly for food.
- Q. How are they sent from this place to the United States?—A. Chiefly in American vessels. They come down and buy them in bulk.
- Q. In pretty large quantities?—A. They take from 150,000 to 400,000 in a vessel.
- Q. During what months?—A. They commence to come as soon as the weather is severe enough to freeze the herring well, and they continue to come until the freezing weather is over. I think that these vessels are occupied in fishing during the summer.
- Q. These are not taken wholly for bait?—A. I do not think so. They are taken in full cargoes.
- Q. And they go back to the States and sell them?—A. Yes.
- Q. Where would be the nearest market town for herring in quantities in case you did not sell them to these vessels?—A. There is Eastport, Saint Andrew's, and Saint John's. Eastport is about 10 miles from Saint Andrew's, which is in British territory. Eastport is a small town containing about 8,000 or 9,000 people.
- Q. You do not really mean 8,000 or 9,000?—A. I cannot give you the exact population. It is quite a small town. Its population is probably a couple of thousand.
- Q. Do you send the most to Saint Andrew's or Eastport?—A. We send the most to Eastport.
- Q. And a good deal the most?—A. O, yes.
- Q. Very many more than either to Saint John's, N. B., or Saint Andrew's?—A. Eastport merchants' vessels come down and buy the fish, take them back and ship them.
- Q. If these vessels do not come down you say that you send them to Eastport, Saint Andrew's, and Saint John's; where do you send the greater part of them?—A. To Eastport.
- Q. You send more there than both Saint Andrew's and Saint John's?—A. O, yes; a good deal more.
- Q. Is there any distinction made in sorting the herring between those

to be used as food and those to be used as bait?—A. No. They are wanted just as good for bait as for eating. In the winter all the herring are large, and the fat herring are frozen.

Q. Are frozen herring eaten?—A. O, yes.

Q. The very low price is due to their abundance?—A. Yes.

Q. Give us some idea as to how the price has ranged during the past few years? Has not the price shown a falling tendency?—A. Two years ago they were pretty high. The winter was blowy and blustering, and the traders paid the fishermen a high price for them, but lost money on the speculation.

Q. How high were they?—A. As high as 85 cents a hundred.

Q. And they are now 17 cents a box?—A. Yes.

Q. What is the usual price a hundred paid to fishermen for frozen herring?—A. They start usually about fifty cents and they end at from 25 to 30 cents. They are sometimes as low as twenty cents, and even fifteen cents.

Q. These herring are not taken save by seines?—A. They are taken in nets.

Q. And do they not take them at Grand Manan Island?—A. Not in the winter.

Q. When do they take them there?—A. In the summer, sometimes.

Q. But not in the winter at all?—A. No.

Q. Do they not take any of them except inshore?—A. I do not know of any place where they are taken in winter off shore. They cannot then fish away out to sea with nets.

Q. You think that they do not take any except on British coasts?—A. I do not know of any caught elsewhere in winter.

Q. Do you know anything about it—whether this is the case or not?—A. I know that a tremendous fleet of American vessels comes into our waters for them.

Q. Do you not know whether they take herring as far as Eastport in winter, or not?—A. They do take them somewhere about Eastport, but in what water is it?

Q. Tell me that?—A. It is in British waters. You can lay within two gunshots of Eastport in British water.

Q. Do you say that they take no herring in winter below Eastport on the American coast?—A. I have never known any herring to speak of taken below there in winter.

Q. They are caught right up to the line?—A. I do not think that there is a chance for net-fishing there. None are caught up to the line in British waters. They are taken four or five miles away from Eastport down the coast from there.

Q. Do you mean to say that there is not much of a summer fishery?—A. We do not think much of it.

Q. Neither there nor in your own neighborhood?—A. No.

Q. There is none within your observation?—A. There is some at Grand Manan shore, where they go for bait; but there is none of any great consequence on the mainland. The whole fishery stops when it is no longer possible to freeze the fish. The herring appear playing in on our shore in winter for shelter, and afterward, in the spring, they appear playing off in other places.

Q. Would it be very difficult for the Americans to freeze their herrings as far away as Eastport?—A. Yes.

Q. Why?—A. The fishermen would probably have to go fifteen, sixteen, or twenty miles sometimes to do so.

Q. By land or water?—A. By water.

Q. And you think they could not do that?—A. I think that they could; but if they did so, they could only fish one-half of their time.

Q. How soon after the herring are caught is it necessary to freeze them?—A. It takes some time to pick up a net and take out the catch in the morning, and when this is done pretty much of the day is spent, and the men have then only an hour or so to work with the herring before the night falls. It takes the greater part of the day to pick up the net and set it; and then, if they had fifteen or twenty miles to go afterward, the weather might be calm or the wind be ahead.

Q. How far do your fishermen take them to find a place for freezing them?—A. Perhaps 20 or 30 yards from where they lay at anchor in the harbor.

Q. They are right inshore?—A. Yes; they lay right inshore in the harbor.

Q. And you say that about Eastport and Lubec, on the American side, no herring are caught in weirs?—A. I did not say that. I said that no large herring are there caught, to my knowledge, in nets.

Q. Then they do catch them there in weirs?—A. Yes.

Q. In large quantities?—A. Yes; small herring.

Q. These herring are frozen?—A. No; they are not caught in the winter.

Q. Not on the American side?—A. Not in weirs.

Q. They only so catch small herring?—A. They catch a small-sized herring, which is not fit for being frozen.

Q. What proportion of the herring caught in your vicinity is smoked?—A. A very, very small proportion.

Q. And of that which is not smoked, at least three-quarters goes to the Americans either for food or bait?—A. In the frozen state; yes.

Q. I thought you did not do much at the summer fishery?—A. We do not for herring, but we do for cod. We do nothing in herring in the summer.

Q. And of all the herring caught by you, more than three quarters goes to Americans, either for food or bait?—A. Of frozen herring, yes.

Q. And of the \$50,000 or \$60,000 worth that you take, what proportion goes to the Americans?—A. About one-third.

Q. Where do you sell the rest?—A. In the Dominion and New Brunswick. Some are shipped to the West Indies.

Q. Perhaps you will explain a little more fully than you did the effect of the American mode of fishing in destroying your fish. What fish are so destroyed?—A. The trawling is done for cod, haddock, and hake, with hooks.

Q. And you attribute the injury done to your fishing-grounds to this style of fishing?—A. I do.

Q. How long do you think that the influence of the dead fish falling from one of these lines would continue on a particular spot of ground?—A. Fishermen tell me that after fishing this way in any place one year, the next year, with the trawls, they can haul up some of the waste material there, and that it smells so offensively that they cannot keep it in the boat.

Q. You think that it lasts beyond one season?—A. That is what I am told by the fishermen.

Q. Are many skate caught on these hooks?—A. Yes; a good many.

Q. What fish eat seaweed?—A. Haddock, principally. They do not eat seaweed, however, but a kind of vegetable substance found on the bottom.

Q. What is it ?—A. A kind of vegetable substance of a dark gayish color.

Q. Is the business of the fishermen more profitable than that of the traders with you ?—A. I do not know but that it is sometimes.

Q. But generally speaking ?—A. Well, no.

Q. Do you think that their proportion of profit is the greater ?—A. I do not.

Q. Did you estimate the 25 per cent. of the million dollars you mentioned as their portion of the profit ?—A. I said it was about one-quarter.

Q. You think that they make one-quarter or \$250,000 a year ?—A. Sometimes, taking the whole year round.

Q. You think that it is their usual profit ?—A. Yes.

Q. In your business, do you make a larger proportion ?—A. Perhaps we do and perhaps we do not. We have to take things as they come.

Q. Traders average more profit than fishermen ?—A. We try to do so.

Q. And the fishermen make one-quarter of the average of the catch ?—A. Not all; probably some make a great deal more, but that would be the average. I know some who make more than that.

Q. You make allowance for each ?—A. Yes.

Q. How much do you allow for wages ?—A. We have to allow ordinary wages.

Q. What are they ?—A. If a man is worth \$1 or \$1.25 a day, according to season, we must allow it. If I supply 50 or 60 men, I have a profit on them, and they have only a profit on their little lot of fish for the season. Our laborers get about \$1.50 a day.

Q. Do you intend it to be understood that with respect to the catch of a million dollars' worth of fish, you allow the fishermen wages from \$1 to \$1.50 a day, while their profit is \$250,000 ?—A. We do not look upon it in that way.

Q. How do you look upon it ?—A. In this way: that a fisherman puts his time into his business like a merchant, and if I make a profit, I do not say that I get so much a day, but that I make so much during the season in trading. If a fisherman fishes all the year, and if, after he pays his bills, he has 33½ per cent. or 25 per cent., we look upon that as clear profit.

Q. Is this clear one-third or one-quarter after he pays his bills with reference to his vessel or his family ?—A. I refer to all fishing expenses.

Q. But you do not mean apart from these expenses ?—A. Of course not.

Q. Then you simply mean that you think these fishermen get from 25 to 33½ per cent. profit on their catch ?—A. Yes.

Q. Which goes to pay them for their time ?—A. Yes; and their family expenses.

Q. That is what they live upon ?—A. Yes.

Q. What do you think that the fishermen would get apiece ?—A. If they do not earn \$600 or \$700 a year, they will have to live pretty poorly.

Q. Besides the expenses of the vessel ?—A. Yes. For instance, if a fisherman goes on shares with me, and takes fish to the value of \$700, I give him \$350, out of which he has to maintain his family; he has nothing to do with the expenses of the vessel at all, regarding salt, lines, provisions, &c.

Q. You mean that \$600 or \$700 worth of fish is a fair catch for one man ?—A. Yes.

Q. And that he gets one-half ?—A. Yes, if he works on shares.

Q. So that in this case he would make from \$300 to \$350?—A. Yes, for the season.

Q. What part of the year is that?—A. It extends over about eight or ten months.

Q. He cannot do much else that year?—A. Yes; he can lay up and cut wood and do anything that is to be done about the house.

Q. But nothing in the way of business?—A. This saves him from paying out money. Some men will make as high as \$1,000 a year.

Q. And you have your pick of the fishermen?—A. No; but we try to get as good men as we can.

Q. You are speaking of good men?—A. Of an average good man. A pretty good lot of men will average that.

Q. How do you make your estimate regarding the \$250,000?—A. Suppose you catch \$1,000,000 worth of fish, then if one-quarter of it is not left for the families to live on, the men cannot follow up the business.

Q. How many fishermen would it take to catch this \$1,000,000 worth?—A. I could not tell you exactly.

Q. But about?—A. A number of boys is employed with the men.

Q. What is the number of men and boys?—A. I could not say exactly. The population of Charlotte County is about 25,000, and this is the biggest fishing district in New Brunswick. I think I should suppose that we have from 12,000 to 15,000 fishermen.

Q. Men who make this their exclusive business?—A. Yes.

Q. And these people would catch the million dollars' worth of fish?—A. Yes. Boys help the men, and there are some hired men.

Q. What is the number of the boys?—A. We do not count them in sometimes.

Q. Besides some hired men you think that there are from 12,000 to 15,000 substantial fishermen engaged in the fishing business?—A. I think so, but I am not sure.

Q. And their catch realizes \$1,000,000?—A. Well, you see that we hire a good many men. Strangers fish for us.

Q. This does not then represent simply what the 12,000 or 15,000 fishermen do?—A. The men we hire we have to pay out of it.

Q. Can you not estimate the number of hired men?—A. I cannot.

Q. Nor the number of boys?—A. No.

Q. Are there as many more hired men as there are regular fishermen?—A. No.

Q. Are there half as many?—A. I could not say.

Q. Are there one-quarter as many?—A. I could not say.

Q. And you estimate that the 12,000 or 15,000 fishermen, and as many hired men and boys as they may happen to have with them, catch this million dollars' worth of fish?—A. I would not confine myself right to the population. If it is necessary, I could furnish their number.

Q. In reply to a question put you by Mr. Thomson you said that a profit of \$250,000 a year was made by New Brunswick fishermen?—A. I thought that this was the case.

Q. And you mean as we now understand you that this \$250,000 which they would earn besides doing their chores in the winter and cutting their own wood, is to support these 12,000 or 15,000 people, and pay the wages of as many hired men as they may have, and take care of their families?—A. Yes, that is the idea exactly.

Q. Did I understand you to estimate how much the Americans made?—A. I estimated from what we see, and learn that they take fully as much fish as we do out of our waters.

Q. You think they take as much?—A. I do. I fully believe it.

Q. I am afraid that your figures are not right. You have \$1,000,000 estimated as the value of the catch of 12,000 or 15,000 fishermen. How much would that leave each man?—A. I never figured it up.

Q. When you learn perhaps you will not be desirous of adhering to your statement regarding the profit of \$250,000. It would leave about \$80 a man, on the whole, for these 12,000 or 15,000 New Brunswick fishermen, or \$20 a man, clear profit.—A. I do not know exactly how many in our county are engaged in the fishing business.

Q. You did not stop to think before you made that statement?—A. Probably not.

Q. Mr. Thomson put you a leading question, and you answered "yes." You at once opened your mouth and said "yes" to that question?—A. I tell you what I still think, that all our men make about that profit. Take an average man, and he will make about that profit. By taking men on shares you can see what they catch.

Q. I am asking you about the answer which you gave as to the quarter of a million dollars of profit made by your own people?—A. I thought that was the case, to the best of my knowledge.

Q. But you do not think so now?—A. Probably not over about 6,000 men are there engaged in the fisheries.

Q. Take 5,000; how much do you think that they would make?—A. I have never figured it up.

Q. You do not know how much a year they make?—A. I think that they have got to have at least one-quarter clear of what they catch, or else they cannot live, nor follow up the fisheries from year to year.

Q. What do you think it costs an average family a year to live?—A. Some live very cheaply, I tell you.

Q. Take an average family.—A. Some live on \$200 a year.

Q. Do they work Sundays?—A. No; our New Brunswick people do not, save as to cooking and such matters.

Q. But the Americans are wicked enough to catch fish on Sundays?—A. I know that very few of our New Brunswick people catch fish on Sundays.

Q. And they cannot catch fish for more than ten months in the year?—A. They can, but there is usually a slack time of about two months.

Q. Do they get more than \$1.50 a day for themselves and families to live on?—A. I do not know; I never figured it up.

Q. What do they so get, in your judgment?—A. Some get that and some do not, and some obtain more.

Q. Do you think that it would average that?—A. That would be \$400 a year; it would be somewhere near that. Some get \$1.50, some \$1.25, and some \$2.

Q. They get as much as \$400 a year?—A. And some get \$800 and some \$1,000.

Q. Those who are bright and smart are prosperous?—A. That is it exactly.

By Mr. Thomson:

Q. Do you know of your own certain knowledge the population of Charlotte County?—A. No; I do not.

Q. It is somewhere more than 25,000?—A. Probably it is; I have not a good memory.

Q. Without reference to the population of the county, you have a pretty good idea as to how many persons are engaged actually fishing

in that county, both boys and men?—A. I have a middling good idea; it is quite a large county.

Q. Most of the fishing is done in the localities of which you have spoken?—A. Yes.

Q. It is all done in the Bay of Fundy and the inner bay of Passamaquoddy?—A. For instance, take a fisherman who has got a family of girls; they all assist him, every one of them; and with respect to these herring taken in nets in a fishing community, in fact the wife and all help a good deal of the work. The children from eight years old up all assist, and this makes a good deal of difference. I looked at it in this light when I spoke of the population.

Q. As a practical man, taking into consideration the main coast of New Brunswick in your neighborhood, and not the islands at all, will you tell me whether there would be more fish caught along the main coast than about the islands?—A. Yes; our herring fishery is confined right to our mainland.

Q. Taking the whole year through, would more fish be caught along the mainland than about the islands, Campobello, &c.?—A. Well, there would not be much difference in the catches. A large quantity of fish is caught in Quoddy River, for this reason: when the fish strike in there any kind of a man, and men who do not make a business of fishing, can catch them, but in order to fish around Grand Manan Island a man must have a good substantial boat, because he has to go ten or fifteen miles to reach there.

Q. About the same quantity is caught on the mainland and about the islands?—A. Yes; very nearly.

Q. Which way would the balance incline?—A. I think to the island catch, if anything.

Q. Is the privilege of fishing in American waters, obtained under this treaty, taken advantage of by our fishermen; do they fish there to any extent?—A. I have never known in my life of any vessel of our own, save one, that went there to fish.

Q. And did he fish at a distance of more than three miles from the American coast?—A. He fished ten miles off the shore, but he made the harbors on the American coast.

Q. What did he catch?—A. Hake. He went there one year, and that is the only one I know of who did so. He belonged to Beaver Harbor, and his sister married the captain of an American vessel; the latter came to our neighborhood to buy herring, and he went down there to fish, thinking he might do better there than here, but he only tried it one year. This is the way in which he came to go there.

Q. Mr. Foster rather sarcastically spoke of the American fishermen as being wicked, evidently meaning that they are saints, but I suppose you do not agree with that view; you have heard them make use of expressions with regard to the Bible which are not exactly saintly?—A. Yes; I have heard them use pretty queer expressions. Fishermen generally are not a very religious people.

By Mr. Foster:

Q. Is there any period of the year where there is fishing for sea herring, except inshore?—A. Yes.

Q. Where?—A. Off Grand Manan, on what are called the Ripples of Grand Manan.

Q. Is it extensive?—A. No; not during the last four or five years.

Q. Was it so formerly?—A. It used to be quite a fishing ground.

Q. When?—A. July and August was the best time; it is about over now.

Q. You think that the fish here have grown less in number?—A. I could not say that; but this fishing ground is not as much frequented as it used to be.

Q. Do Campobello and these other islands form part of Charlotte County?—A. Yes.

Q. Are they included in the estimate you made?—A. Yes.

Q. Their population is not very large?—A. No.

Q. And about one-half of the fishing of which you have spoken is done there?—A. Yes; about Grand Manan and the adjoining islands.

Q. What is the population of Grand Manan Island?—A. It is somewhere about 2,000 or 3,000.

By Hon. Mr. Kellogg:

Question. What is the relative value of the different kinds of fish? I do not mean with regard to the quantity caught, but the relative value of the fish itself?—Answer. The codfish is the most valuable; the hake, I think, is the next.

Q. Then the haddock?—A. Yes.

Q. Then the pollock?—A. The pollock is low this year. Last year the pollock came ahead of the hake.

Q. How is it that they prosecute the herring fishery in winter there and not in other places?—A. It is just as a shoal of herring comes in there. They follow them wherever they can find them.

Q. Does it depend in any way upon the high tides?—A. I do not know.

#### No. 30.

JAMES LORD, of Deer Island, in the county of Charlotte, N. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You live at Deer Island?—Answer. Yes.

Q. It is in the parish of West Isles, in the county of Charlotte?—A. Yes; that and the adjacent small island.

Q. What is your office?—A. I am a fishery officer.

Q. How long have you been a fishery officer?—A. About three years.

Q. Now, is it part of your official duty to ascertain the number of boats and vessels engaged in the fishery there?—A. It is.

Q. Can you tell me what is the number of schooners or of vessels?—A. There are 28 vessels engaged in the fishery in my district.

Q. Of what tonnage?—A. The aggregate tonnage is about 700 tons.

Q. How many men are employed there?—A. I have a memorandum. (Reads.) There are 171 men engaged in the vessels fishing.

Q. How many boats are there?—A. Two hundred and thirty-four.

Q. They belong to the islands?—A. Yes.

Q. These boats and vessels are British boats and British vessels?—A. Yes.

Q. The island is close to Eastport?—A. Yes.

Q. How far is it to Eastport from Deer Island?—A. About three quarters of a mile from the nearest point.

Q. Do the Americans fish much on the coast?—A. Yes; they fish in common with our fishermen, on the same fishing-grounds.

Q. How many vessels have they?—A. I should think they had full as many as our folks.

Q. And fully as many boats?—A. Yes; about the same number, I should think.

Q. Do they employ about the same number of hands?—A. I should say so.

Q. Now, will you tell me what is the whole catch made by the British fishermen in your district of West Isles?—A. The whole value is about \$180,000 in our district.

Q. Your district, for which you give that valuation, does not include the island of Campobello?—A. No; it is a separate district.

Q. Campobello employs about how many vessels and how many boats?—A. I could not give you exactly the number. I should say it was about equal to West Isles. I should not think there would be much difference.

Q. It employs about the same number of vessels and the same number of hands?—A. I should say so.

Q. And the whole catch is the same?—A. Yes; I should suppose so. They fish on the same ground with our folks.

Q. And the Americans fish also there about equally with the British fishermen?—A. Yes.

Q. Then you put the catch of Campobello as being about the same catch of West Indies?—A. According to the best of my judgment. I have no statistics to show.

Q. Well, you have statistics in reference to the West Isles?—A. Yes; in my district.

Q. And Campobello is only a little distance?—A. Yes.

Q. You have plenty of opportunity of forming an opinion?—A. I should say so.

Q. Have you any doubt as to whether you have overestimated or underestimated?—A. If anything I should say I was underestimating.

Q. Then off Campobello there is about \$180,000 worth taken by our people?—A. I should say so.

Q. And \$180,000 worth at West Isles?—A. Yes.

Q. And the Americans take an equal catch in both places?—A. Yes.

Q. As to West Isles you are sure, and you have no reasonable doubt about Campobello?—A. Just so.

Q. I suppose Grand Manan, being somewhat distant, you don't know as well about?—A. I don't know so much about Grand Manan. I can't speak much about that. It is rather out of my jurisdiction.

Q. You have been a practical fisherman?—A. Yes; all my life I have been a practical fisherman.

Q. Tell me, now, is the catch you speak of at West Isles and Campobello taken all close inshore?—A. All close inshore.

Q. All within three miles?—A. Yes; with the exception of one or two vessels from Deer Island that go outside. The chief catches are inshore.

Q. Well, when I asked you for an estimate of the catch and you gave me \$180,000, you did not include in that amount the fish that was caught outside?—A. No.

Q. What is that catch chiefly composed of?—A. Different kinds of fish—codfish, pollock, haddock, hake, and herring.

Q. What is the principal fish in point of numbers and value?—A. In point of numbers the herring has the advantage, and in value I think also.

Q. What comes next, in your judgment, to the herring?—A. The pollock, I think, is about next in numbers.

Q. And in value?—A. Well, yes, I think, in value too.

Q. What is next?—A. The hake.

Q. And after that the haddock?—A. Yes.

Q. Which is the more valuable fish per quintal, the pollock or the haddock?—A. The haddock is the most valuable of late years. The pollock always have been the most valuable until lately.

Q. The taste has veered around in favor of haddock?—A. Yes.

Q. Now tell me, as to the Americans, what is their style of fishing? By the way, since the Washington Treaty, have they come in in greater numbers to fish?—A. Yes. More of them since the treaty than before have visited our shores.

Q. What do they do with the herring?—A. In the winter they freeze them and in the summer they salt them.

Q. Do they land on the West Isles for the purpose of freezing them, or do they take them to their own shores?—A. Well, some take them on shore and others freeze them on the deck of their vessels. Others take them across to the State of Maine to Eastport. It is close by.

Q. What are the herring caught there worth a hundred?—A. I should think they would average about 30 to 33 cents a hundred in the winter season.

Q. Is that the proper season to fish?—A. It is the best season for herring.

Q. Do they fish in the summer there at all, the Americans or the island people?—A. They fish in summer; not so much for herring, though, as for other kinds of fish.

Q. Do they fish in summer for herring at all?—A. Very little; that is, for bait and the like of that.

Q. Is it partly your business to prevent them fishing for herring?—A. I have no restrictions to prevent them.

Q. What is your duty as a fishery officer?—A. It is to see that they obey the regulations as we do.

Q. Perhaps around those islands there are no breeding grounds. Do they breed there or at Grand Manan?—A. There is no spawning ground there that I know of. Grand Manan is where the chief breeding grounds are.

Q. They are protecting them there, I believe, or endeavoring to?—A. They are supposed to be.

Q. Do they breed around Campobello?—A. It has never been set apart as a breeding ground, although they might spawn there. I could not say for that. It is supposed by some that they do spawn about Campobello, but there is no spawning ground marked out there.

Q. Now, since 1871 the Americans have come in in great numbers fishing. What way do they fish?—A. They fish with nets, trawls, hand-lines, &c.

Q. What do you say about this system of trawl-fishing?—A. I think it is the best way to catch them. You can catch a greater quantity with trawls than with hand-lines.

Q. No doubt of that; but what is the effect on the fishery?—A. I think it injures the fishery.

Q. It is injurious; why?—A. It takes a good many of the small fish that are of no use, and kills them, and it catches a good many of the old mother fish and destroys them.

Q. Well, what has been the effect of killing those fish upon the fishing grounds?—A. Well, after they have killed them, the next thing is

to get rid of them, and the best way they can do is to throw them overboard.

Q. What is the effect of that?—A. It pollutes the water.

Q. Does it drive off the fish?—A. I think so.

Q. You are a practical fisherman; do you know?—A. Well, it is my opinion, as a fisherman.

Q. How long have you been engaged in the fishing business?—A. I have been engaged in the fishery ever since I was 12 years old. That is 30 years ago.

Q. Then you ought to be able from experience to form a pretty good judgment. That is your deliberate judgment that this throwing overboard of the dead fish destroys the fishing-grounds?—A. Yes; that is my opinion.

Q. What do you say of throwing over the gurry?—A. It has the same effect.

Q. Do the American fishermen always do that—that is, throw over the gurry?—A. Yes.

Q. What about the island men and the boats belonging to the island? Are they obliged to land or do they throw over too?—A. Those that fish in large boats and vessels do the same thing. Those in small boats dress their fish on shore.

Q. Do the Americans dress theirs on shore?—A. Not so much, because they come a very long distance generally, and they come in larger vessels. They dress their fish on board their vessels and throw their gurry overboard.

Q. Now, this trawl fishing as a business has sprung up has it not within the last 5 or 6 years?—A. It has not been practiced much until lately, within 6 or 7 years on the coast.

Q. Who introduced it? Was it introduced by the Americans?—A. Well, I guess our folks got the idea from the Americans.

Q. There was none before the Americans came there?—A. I do not think there was any.

Q. Have they been obliged to use the trawl in order to compete with the Americans?—A. Yes.

Q. Do you know that of your own knowledge?—A. Yes.

Q. Do these Americans themselves admit it is destructive, or what do they say about it?—A. I have never talked with them on the subject. I have talked with our own fishermen in regard to it.

Q. Is that their opinion in regard to it?—A. That is their opinion. They all arrive at the same conclusion.

Q. That is in reference to the destruction of the fisheries by throwing over the dead fish and the gurry?—A. Yes, sir.

Q. Are you aware, or has it come under your observation that a great number of nets are sometimes set out by the American fishermen and allowed to go to bottom with dead fish in them?—A. That is the case.

Q. Just state how that happened.—A. Well, when they go fishing they have a good many nets and they set them, and perhaps it will come such a breeze that for two or three days they can't get those nets. When it comes a fine day they have so many herring that they cannot take care of them, and the nets are left there and the herring rot, and lie on the bottom. They very often lose nets in that way.

Q. I don't know whether I asked you the number of men employed in the vessels?—A. Yes, you did.

Q. Did I ask you as to the number of men employed in the boats; how many boats did you say there were?—A. Two hundred and thirty-four boats.

Q. How many men would be employed?—A. They would average two men to a boat. That would be 468.

Q. The vessels, you said, employed 171; now, you are practically acquainted with the fishing, not only at the island, but along the north shore?—A. Yes.

Q. Tell me, in your judgment, where the greater number of fish are taken within the three-mile limit; is it along the shores of the islands or of the mainland on the north shore of the bay?—A. The herring is the chief fish in winter, and is taken on the north shore.

Q. They are all taken within the three-mile limit?—A. Yes; on the mainland, from Point Lepreaux to the West Isles.

Q. You think the larger quantity is taken along that shore?—A. In the winter season.

Q. Take the whole year round?—A. I think my district, the West Isles district, would have the advantage, taking the whole year round.

Q. Taking the whole year through, winter and summer, would it be about the same on the mainland and West Isles?—A. I think West Isles would have rather the advantage.

Q. I am now speaking of all the islands, including Campobello and Grand Manan; do you think Campobello, Grand Manan, and the West Isles would be rather more than the mainland for the whole year?—A. Yes.

Q. But the catch for the winter is considerably larger on the mainland than on the islands?—A. Yes.

Q. When you say there are more caught on the islands than on the mainland, does it preponderate very much or is it pretty near the same?—A. It is pretty nearly the same, I should say; if anything, the islands have the advantage.

Q. Now, you stated that the principal breeding place is in Grand Manan; at what part is it?—A. At the south end.

Q. That place is protected by regulations, is it not?—A. Yes; there is a man appointed to protect that ground.

Q. What is his name?—A. McLachlan.

Q. Are you aware that notwithstanding the regulations and endeavors of the Dominion Government to keep this breeding-ground untouched the American fishermen break in?—A. I have heard that they have broken in on several occasions. I have never been there when they did so, but I have heard of it, and I am satisfied that they did that thing.

Q. Are you aware whether the catch upon Grand Manan, around the shores of Grand Manan—I mean of all kinds of fish, and within 3 miles—is very much larger than on West Isles and Campobello?—A. I think it is more than both put together. I should say so.

Q. You are speaking as a practical fisherman?—A. Well, according to the best of my judgment. I have no statistics.

Q. You have fished all over the ground?—A. Yes.

Q. You have no doubt that the catch on Grand Manan exceeds the catch on West Island and Campobello together?—A. I think it does.

Q. Well, now as a practical fisherman, what would you say would be the value of the catch made by the British subjects, within 3 miles of the shores, in the islands and on the mainland from Point Lepreaux, taking in West Island, Campobello, and Grand Manan; taking the whole thing, what would you put it down at, naming a figure that you think is certainly within the amount?—A. I should say nine or ten hundred thousand.

Q. That is about a million?—A. Yes.

Q. Have you any doubt that you are underestimating rather than overestimating it?—A. No doubt that is under if anything.

Q. That is taken by British subjects?—A. Yes.

Q. Then the American fishermen, do they take on these coasts as much every year as the British subjects or more?—A. I think they do fully as much. I have no doubt. If I were going to say either more or less, I would say more.

Q. You think they take fully as much and more?—A. Yes.

Q. That would be a million they take also?—A. Yes.

Q. Are you aware yourself, from practical experience, what the probable profit would be on that million taken by the Americans?—A. Well, that would be a pretty hard thing for you to get at.

Q. Is there any fish on the American shore at all? Are you aware of any fish within the three-mile limit?—A. There are none worth talking about. None of our fishermen ever visit that coast for the sake of fish.

Q. Then, practically, the privilege accorded to British fishermen of fishing in American waters amounts to nothing?—A. It is no benefit to us whatever. I never knew a fisherman go there to make a fare of fish.

Q. Did you ever fish along the American shore yourself?—A. No.

Q. Did you ever get porgies or menhaden there?—A. I have caught some there.

Q. Was that caught within shore or out beyond the three miles?—A. All the porgie fishing has been beyond the three miles. They are so far offshore they have to have steamers.

Q. It has ceased for a number of years to be an inshore fishery?—A. As far as my information extends.

Q. Do you ever recollect of porgies coming up to the British waters in the neighborhood of Campobello and those places?—A. I have caught them myself.

Q. What drove them off?—A. I can't say; they have left our coast.

Q. How long ago?—A. There has not been anything there to amount to anything for ten years or over.

Q. And even on the American shore they have gone out so that they have to have steamers to go for them?—A. They don't pretend to fish for them without they have steamers.

Q. Now, along the American coasts there are numerous settlements from Eastport, westerly; are they engaged in fishing?—A. All the places close to the shore are so engaged.

Q. Where do they get their fish?—A. In British waters.

Q. Inside the limits?—A. Yes; they come right over to New Brunswick, to the mainland. They have always done so.

Q. That is their only means of living, so far as you are aware?—A. That is the only means so long as they undertake to catch fish.

Q. How long has that been the case?—A. I guess it has always been the case ever since the country was settled, so long as I can remember.

Q. You have been engaged that way 30 years?—A. For 30 years they have done that. I can swear they have done it for 30 years.

Q. They have never caught fish in their own waters at all?—A. I could not swear to that.

Q. I say never to speak of?—A. Never to make a business.

Q. Could they have gone on with the fishing business at all unless they had access to our waters?—A. No; I do not think they could. I guess they will admit that themselves.

Q. They will elsewhere; they will not here. But you have no doubt yourself?—A. No doubt at all.

Q. Since you can recollect, that is for 30 years, have the fishing stations increased as the people became more numerous?—A. Well, I suppose they have increased in proportion to our fishermen. Ours have increased and they have kept right alongside of them. They have increased the same.

Q. What has been the effect of this treaty? Before the treaty you had a right to send your fresh fish in free. Were you in the habit of sending them in to any extent?—A. We have always had the right to send in the fresh fish.

Q. Did you, before the treaty, send many in?—A. Yes; we always sent more or less to the United States.

Q. In that respect your market is not altered at all?—A. No.

Q. What proportion of the fish catch that you speak of in the islands is salted and sent away; any large numbers of herring, for instance?—A. Yes; quite a large number of herring.

Q. Where do you send them?—A. Part to the United States and part of them are sold in the Dominion. A good many are sold in St. John, Yarmouth, and Halifax.

Q. Well, before the treaty did you put up any of those salt fish?—A. We have always been in the habit of putting up more or less.

Q. Did you send to the United States before this treaty the same as you do now?—A. Yes.

Q. How were the prices then, when you had to pay \$1 a barrel duty?—A. We generally got enough more to pay the duty.

Q. Well, in point of fact then, even in regard to salt fish, this treaty has not been a benefit to you at all?—A. I can't see that it is a benefit to us. I think it is an injury to us.

Q. Do you find that the Americans come down into the Dominion and supply the markets that you would otherwise supply?—A. There have been a good many American fish sold in our markets to my knowledge. They are selling right along, more or less, in St. John, Halifax, and Yarmouth.

Q. You say that during the time before the treaty was in force, and when you had to pay \$1 a barrel, you got as good a price as now, and that they paid the duty?—A. Yes.

Q. If the Americans were excluded from our waters altogether, you having the privilege to send in fresh fish as you always did, what duty would you be willing to pay on the salt fish to keep them out altogether?—A. I would be willing to go back to the old arrangement.

Q. Would you make more money if you went back to that system and kept them out?—A. Well, chiefly all the money I made fishing was made before the treaty came into force, when I had to pay a duty.

Q. You would rather pay a reasonable duty and keep them out?—A. Yes.

Q. Your idea is that the consumer pays the duty?—A. Yes.

Q. The result is simply this, then: that you get a lower price for your fish now, and the Americans pay less for it. The consumer gets it for less money?—A. Yes, that is the result.

Q. The benefit, then, has been to the consumer as far as you can see now?—A. Yes, sir; the consumer gets the benefit. He gets a cheaper fish than he did before.

Q. And you have no more money?—A. No more.

Q. But something less?

MR. FOSTER. Does the witness assent to that?

By Mr. Thomson :

Q. Do you get less money for your fish than you did before?—A. Yes; for some kinds of fish we don't get half as much as we did before.

Q. Do the Americans come down there and catch for bait?—A. Yes; they visit our shores a good deal for bait.

Q. Do they catch it themselves?—A. Some do and some do not.

Q. Do they catch to any considerable extent themselves?—A. Well, yes, they do a considerable.

Q. Do they bring down their own men to catch it?—A. Some of them do, yes.

Q. What do they use this bait for?—A. Cod-fish chiefly.

Q. What time do they come for bait?—A. They come in the spring of the year chiefly. The best bait is there in the spring of the year. That is for the Bank fishery.

Q. How many vessels visit the bay for bait?—A. 80 to 100 sail of vessels.

Q. Every spring?—A. Yes.

Q. What average do they take?—A. 10,000 to a vessel.

Q. Are they all caught in British waters?—A. Yes.

Q. That is a considerable privilege; do they admit it?—A. Yes, they do, because it is the easiest way for them to get bait. If it was not a privilege, they would not avail themselves of it.

Q. They admit it is a privilege?—A. Yes.

Q. Well, are you aware that they buy also besides what they fish?—A. Yes; they do buy bait.

Q. Do you know whether they make a preference of buying from their own men?—A. Well, I never saw much difference that way.

Q. You are speaking of your own island. Do you know whether it is so elsewhere or not?—A. Well, I suppose some make a preference. Some have particular friends. A good many have gone from Eastport to Gloucester, and when they come down they will patronize the Eastport men before a stranger. That is the way it goes, I think, a good deal.

Q. In reference to net-fishing for herring, ought those nets, according to your experience, to be allowed to remain in the water during the day-time?—A. They ought not, according to my experience.

Q. Why not?—A. Because they injure the fishery, they frighten the fish away.

Q. The herring see the nets and are frightened?—A. Yes.

Q. The proper time is at night?—A. Yes; they ought to put them down in the evening and take them up in the morning.

Q. One witness said that in the day-time, as a rule, the herring did not mesh themselves in the net at all?—A. That is my experience; they say they don't mesh themselves.

Q. In addition to that, they get frightened?—A. Yes; and it is an obstruction to their passage.

Q. Since the Americans came in, have they introduced the system of keeping the nets out day and night?—A. They do it more or less.

Q. And that, you say, injures the fish?—A. Yes; our fishermen do it too.

Q. Yes, but that is because the Americans do it?—A. Yes.

Q. Whenever any bad practice is introduced to kill the fish, our men have to follow it in self-defense?—A. Yes.

Q. Have you ever known any one try to get along without trawling, and finally take to it on account of the Americans doing so?—A. It is

only of late years that we have used the trawl. We always used to get along without the trawl before the Americans came down.

Q. Have you ever known any one trying to compete with them without using it and afterward having to come into it?—A. They have to fish with the same appliances as the Americans to get along.

Q. Have you ever known them try to get along without using it and find that they could not do so, especially about Grand Manan?—A. They have not used them there until very lately—until last year. But they have found that they are compelled to use them to get along.

Q. There is no trouble between the American fishermen and your own?—A. I never saw any great trouble. Sometimes there is a little difference arises, but I do not know that there is any more trouble between the Americans and our fishermen than there is among our own, as far as my observations have gone.

Q. I think you have stated that all the fisheries are within three miles of the land?—A. Yes.

Q. That is, the hake, haddock, herring, and pollack?—A. Yes, they are all within three miles.

Q. What about the cod?—A. We do not get much cod in our inshore fisheries.

Q. The cod is a very small proportion?—A. Yes, it is a very small proportion.

Q. You stated that the value you gave consisted altogether of fish caught within three miles?—A. Yes.

By Mr. Dana:

Q. For 30 years I think you said you had been fishing in your neighborhood?—A. Yes.

Q. In vessels and boats?—A. Yes.

Q. How large are the vessels that have been owned by British subjects 30 years past?—A. The vessels have been all the way from 10 tons to 50 tons.

Q. They do not go out, I believe, for long trips, do they—the British vessels?—A. The chief of them do not, as I said, but there are one or two would go fishing on the opposite banks.

Q. All the boats and nearly all the vessels are day fishermen, are they not?—A. Yes.

Q. And during all that time the Americans have been there too?—A. Yes.

Q. And in about equal numbers to your people?—A. Yes.

Q. And they have fished in the same places?—A. Yes.

Q. Without reference much to what sort of a treaty there was between Washington and London?—A. It never made any difference.

Q. Nothing can be traced specially to the effect of the treaty of 1818 or the Reciprocity Treaty of 1856, or the Washington Treaty of 1871, can there, as to that. It went on the same way?—A. Pretty much in the same way.

Q. Well, the Americans used to fish with hook and line, didn't they?—A. Yes.

Q. When did they begin to alter a little and have small trawls?—A. Lately, within 8 or 10 years.

Q. They first fished with small trawls, didn't they?—A. Yes, with hand lines.

Q. But when they began using something else, they first began to use trawls with a few hooks upon them?—A. Yes; they are getting in the way of using more hooks every year.

Q. But it did not begin all at once as it is at present ?—A. No, it is increasing now every year.

Q. Your people saw the growth of it and they fell in with it ?—A. Yes.

Q. And are pushing it now with diligence, according to their means, their enterprise, and capital ?—A. Yes.

Q. Is the trawl a costly thing ; do the lines and hooks and the danger of losing them make it costly ?—A. Yes. It costs in proportion to the length of the lines and the number of hooks.

Q. Do you think that generally the Americans had more capital at their disposal than the British fishermen ?—A. Yes. They came from a distance, and it seems they had better vessels.

Q. But those that reside in the easterly part of Maine ?—A. I think they had pretty much the same capital as our fishermen.

Q. Your people began using trawls at first with a few hooks in a small way ?—A. Yes.

Q. And it gradually grew up to its present dimensions ?—A. Yes.

Q. And as they are doing it now they are affecting the fishery to about the same extent as the Americans ?—A. Yes.

Q. Then do you think it is an injury ? You know there are persons who think it is not an injury ?—A. There are but very few who will not say it is an injury.

Q. But it has been the same with the pursuit of all fishing ; where science has advanced and skill and capital have been employed they have used different methods of prosecuting the business ?—A. Yes.

Q. You know that it seems to be the inevitable progress, does it not ?—A. Yes.

Q. I observe that the gentleman who examined you used a word that you did not use, that this "destroyed" the fishery. I want to know, when you assented to his phrase "destroyed," in what sense you meant to use the word ?—A. I meant that it was an injury to the fishery.

Q. That was the phrase you used ; but I think you did not yourself say it destroyed them. You do not mean to say they are destroyed ?—A. Not all of them.

Q. And you do not know they are going to be destroyed absolutely ?—A. It is my opinion that if they kept on at the rate they are going on now they would eventually destroy the fish.

Q. That is altogether a speculative opinion ; you cannot know how that is ?—A. No ; that is only my opinion.

Q. May it not go on in this way, after they have used this apparatus, that as soon as the fish are diminished they will begin to use it less and less, because it does not pay ; then will not the fish naturally increase in numbers again ? For all you know, that may be the case, as it has been with fisheries in other parts of the world. I will ask you if you do not know it is the case where modes of fishing have been employed which rendered the fish scarce, those modes have after a time been no longer used, and then the fish have again come in as, for instance, on the coast of Norway ?—A. No ; I do not know, and I do not think it would ever be the case.

Q. Have you ever read up on that subject ?—A. No ; I have never read.

Q. Do you know how they have found it in other places ?—A. No ; I never heard. It is my opinion that the scarcer the fish get the more they will have to use these appliances.

Q. Well, will it not be so expensive that the Americans will go to another place ?—A. It may be.

Q. Well, won't that be the case ; if the American knows that it will

be very expensive to get fish in one place and not so expensive in another, he will go to the other?—A. That may be so.

Q. You do not suppose the same number of people will keep on fishing with trawls when there is not so great a number of fish to be caught?—A. Well, they will have to move to some other district.

Q. What then?—A. The country will become depopulated.

Q. What country?—A. Our fishing country, where I reside. When the fish get so scarce that the fishermen cannot get a living, they will have to go somewhere else.

Q. It may make them more adventurous and they may get larger vessels?—A. But when they get so poor that they can't purchase those vessels.—

Q. Don't you suppose there can be capital and enterprise enough found there to follow the fish wherever they go? Do you suppose your fishermen are so limited that they cannot go beyond the marine league?—A. There are very few of them capable of purchasing a large vessel.

Q. If they can't catch fish close in, don't you think means will be found to go out?—A. They won't be able to furnish boats and vessels themselves.

Q. If it destroys the population, as you seem to think, not having capital to go beyond three miles, how will it be when the fish come back? If they do come back it will not be ultimately destroyed?—A. No; it would be in the mean time.

Q. It would be resumed, would it not? You don't know that it would not be?—A. I don't know.

Q. So that, after all, your opinion is speculative? Now, with reference to throwing the fish overboard, what you call the gurry, I suppose that depends entirely upon whether the vessel makes port often or is out?—A. It depends upon that a good deal.

Q. If they are boats or small vessels that make port frequently, they will put the gurry on the land. It is good manure?—A. It is, but the fishermen can't generally use it much for manure. Very few of the fishermen have any land.

Q. Is that so? Don't your boat fishermen also own land, like the fishermen in Prince Edward Island?—A. Some own a little and more don't own a mite.

Q. When they do own it, they cultivate it?—A. They raise a few potatoes and the like of that.

Q. Those that don't make port throw it overboard?—A. Yes.

Q. Has not that always been the case?—A. Yes, I think so.

Q. Then that was not a trick learned from the Americans?—A. I think it was always done more or less. I guess the Americans did not teach them all their bad habits. I suppose they had some before.

Q. The Americans come down there, we have been told, to buy herring for bait. That is for cod-fish?—A. Yes.

Q. They buy if they can?—A. Some do and some catch their own bait.

Q. Now I want to know. The witness before you spoke of them as almost universally buying the fish?—A. Part of them do and part of them do not.

Q. Well, "part" may be anything?—A. Well, I would say one-half buy it and the other half catch.

Q. Do they catch it alone or do they make bargains with your people, that own boats and nets?—A. Sometimes they catch it themselves. They bring their nets with them. Most of their fishermen that fish in the

bay have nets so that they can set nets and catch their own bait; but the vessels that come from Gloucester—

Q. Well, if any witness has said that the large majority of the herring that is taken away for bait is bought, you would not concur in that?—A. I should say there was a majority.

Q. You would say more than half?—A. Yes, a half or two-thirds.

Q. It might be three-fourths?—A. I should not say so.

Q. You say there might be two-thirds?—A. There might possibly be. I would not like to say much over half.

Q. Have you any means of ascertaining what it is?—A. Nothing more than what I see myself. I am a practical fisherman and I have been around with them.

Q. Do you keep bait?—A. Yes. I am like any other fisherman. I catch what bait I can in the spring and sell what I can to the fishermen.

Q. Well, I do not know what your views of trade are, but I suppose you try to make something. You do not sell solely to encourage the Americans?—A. We do not study their advantage at all. It is our own. We do not put ourselves out at all about them. When we catch the bait the next thing is to see where we will get the most money out of it.

Q. You sell to your own people. They buy herring for fishing?—A. Well, they do some, but not much. I have sold herring for bait to our people who went mackerel-fishing, but not much for cod-fishing.

Q. Have you been in the habit of sending fish to the United States—I mean your island people?—A. Yes.

Q. Dried, frozen, and salted?—A. Yes.

Q. For a long time?—A. For some time.

Q. How long?—A. I can't just remember when I commenced shipping frozen herring. I guess it has been about fifteen years, probably.

Q. And they have gone in irrespective of treaties? They would go in as fresh fish?—A. Yes.

Q. Then you sent in your frozen fresh fish, and also you took dried and slightly salted fish? They have gone in, have not they, for a great many years to the United States?—A. They have gone in free since the treaty; at least I don't call it exactly free.

Q. Why, what is the matter?—A. Well, when we go to Eastport to sell a quantity of fish, we are supposed to report to the custom-house every time we come, and if we only have two quintals of fish we have to pay 60 cents for a permit to land them.

Q. Does that apply to fresh fish?—A. To fresh and salt both.

Q. What do you call that 60 cents?—A. I don't know what the name is, but every vessel that goes there with fish is supposed to pay that 60 cents for the permit. It is paid to the custom-house.

Q. Is it not duties?—A. They don't put it in the shape of a duty. It is in the shape of a fee.

Q. Do you pay the man that owns the wharf besides?—A. No.

Q. Is not that what it means?—A. No.

Q. Is it not dockage?—A. No.

Q. Don't they call it dockage or wharfage?—A. No; it goes to the custom-house.

Q. In the first instance. But you must pay somebody if you had your fish at the wharf?—A. The merchants that buy the fish furnish the wharf to put it on.

Q. You go there to sell?—A. Yes.

Q. You don't own a wharf there, do you? Do you suppose the treaty

means that you shall have a free wharf to land your fish on?—A. No; I do not.

Q. Then you do not pay any dockage or wharfage, but you pay 60 cents. Haven't you ever looked into that to see if it was not dockage or wharfage?—A. Yes; I have looked into it.

Q. How do you make it out, if you do not pay anybody except the custom-house?—A. Every person who has a fish-stand has a wharf of his own, and he is glad to give you the privilege of landing for the sake of the trade. We are not supposed to pay any dockage. They furnish the dockage.

Q. Who?—A. The men that buy.

Q. Then you say it is in the form of a landing permit?—A. Yes; we have to report.

Q. Somebody comes down from the custom-house to see that you are all right, that you haven't anything but fish! Do you ever go anywhere where you do not have to pay something for a landing permit? Was it not so before this treaty?—A. I think it has always been so.

Q. And in addition to that you had to pay a duty before the treaty? Now the duty is taken off and the permit remains?—A. Yes.

Q. Did you ever read the treaty?—A. Yes; but I don't think I could repeat much of it.

Q. Did you ever see anything about leaving out the landing permit?—A. No; I do not remember.

Q. You say you get less for your fish than before the treaty was made; how long has that treaty been in actual operation? I do not mean to refer to the time it was dated, but to its actually going into operation on both sides?—A. It has been in operation, I think, ever since it was dated or issued at Washington. I do not just remember. We do not trouble ourselves very much about treaties there.

Q. Does dry fish go in as fresh?—A. They do now.

Q. But I mean before the treaty?—A. No; we had to pay a duty on them as well as salted fish.

Q. Did not they generally go in as American fish?—A. No; not from our side. They went in as British fish.

Q. Was not there any arrangement made between your people and the Americans by which those went in under the names of American traders?—A. I don't know.

Q. Don't you know that a great deal was taken in in that way?—A. There might be some smuggled in in that way.

Q. You say you got less for your fish. How do you account for that fact?—A. There are so many more fish taken into the market than there were before, that it has reduced the price.

Q. Well, that is a simple mode of accounting for it. And if there should be fewer fish go in the price would go up?—A. Yes; and I think if it had been left the way it was, and no Americans were allowed to fish in our waters, probably the fish would be higher than they were then in the United States, as there is a greater population, and more would be required.

Q. Well, the treaty has not stopped the increase of the population?—A. Not that I know of. The same thing seems to go on yet.

Q. Well, is it not the case that the price depends upon the demand and supply?—A. I suppose so.

Q. And the demand is gradually increasing, is it not, pretty rapidly?—A. I suppose it is.

Q. And the supply is also increasing by the use of these nets and the number of people that are employed in the business?—A. Yes.

Q. They keep pretty well abreast of one another!—A. Well, yes; but I think the supply is a little ahead.

Q. Do you think more of your people have sent fish to the United States than did before?—A. I don't know that there are any more of them.

Q. Well, there are certainly no more Americans than before! There are fewer, are there not?—A. There have been more since the treaty.

Q. Have you found it so?—A. Yes.

Q. Were there more last year than the year before?—A. Yes; there seems to be more every year.

Q. Is there any greater increase than there has always been?—A. Yes.

Q. You have been on the American coast somewhat?—A. Yes.

Q. Not very far down the coast of Maine?—A. Yes, I have been to Boston.

Q. But have you followed the fishing-grounds?—A. No.

Q. You do not know by personal observation what the American in-shore fishery is, do you?—A. No, I do not; only what I have heard by talking to American fishermen, and our fishermen that are engaged on the coast.

Q. Since this question has been up, of compensation, you have heard it a good deal talked about, haven't you?—A. Well, no, not a great deal.

Q. Certain opinions are pretty strongly held in your neighborhood?—A. There is not much said about it there any way.

Q. Don't they say there generally—haven't you been frequently told that the Americans were ruining your fisheries and that they ought to pay a large sum?—A. Yes, they think there ought to be a reasonable compensation for the privilege.

Q. That is not what I mean, but the opinion is pretty generally promulgated, is it not, that the Americans have done a great deal of harm?—A. Yes, they think so.

Q. That they have destroyed them by seine fishing and by throwing over gurry, and in various other ways?—A. I think that has been the case. That is reasonable to any man.

Q. Well, you have given your opinion. You say there are regulations as to catching fish at Grand Manan with reference to the season?—A. Yes, there is a close season for herring. They are prohibited, I think, from the 15th of August to the 15th of October. I won't swear certainly what time it is.

Q. It is the spawning period?—A. Yes.

Q. Have you ever been there during the spawning period?—A. No; I have never been there.

Q. And you cannot then say, from your own observation, that the Americans have broken these regulations, or, if so, to what extent?—A. I could not say that they do; but I have heard it said by our fishermen. But our own fishermen will do it, too.

Q. I was going to ask you that. I know you have been very frank. I suppose the officer finds it as hard to keep out the British as the American fishermen?—A. Well, I think so; yes. I don't know for certain.

By Mr. Foster:

Q. Mr. Thomson consents that I shall put a few questions to you. Will you tell us where the Wolves are?—A. (Points to Wolves on the map.) They are out there.

Q. Now, did I understand you to say that no winter fishing for her-

ring is done, except in there (pointing on map to inshore fishing grounds)!—A. None of any account.

Q. I want to see what that means exactly. Do you know Overseer Cunningham, of the inner bay!—A. Yes.

Q. Is he an intelligent man!—A. Yes.

Q. Now, I want to know what this means. I read from his report for 1876, and would like to have you explain it, if you can: "The winter herring fishery, I am sorry to say, shows a decrease from the yield of last year. This, I believe, is owing to the large quantity of nets—in fact, miles of them—being set by United States fishermen, all the way from Grand Manan to Lepreaux, and far out in the bay by the Wolves, sunk from 20 to 25 fathoms, which keep the fish from coming into the bay." Is that so!—A. It is a doubt, to my mind, whether it would be so or not.

Q. Do they do it? Do they keep nets in the bay!—A. No.

Q. Our fishermen don't!—A. Nobody does; they can't do that.

Q. "In this view I am borne out by all the fishermen with whom I conversed on the subject. Our own fishermen, who own vessels, have now to go a distance of six to eight miles offshore before they can catch any." Is that so!—A. No.

Q. "The poorer classes of fishermen who have nothing but small boats made but a poor catch."—A. I think Mr. Cunningham is a little wild in his calculations. I do not think he has a way of knowing as much as a practical fisherman.

Q. Is his report all wrong!—A. I think some parts of it are.

Q. "However, during the winter months there were caught and sold in a frozen state to United States vessels 1,900 barrels, at from \$4 to \$5 a barrel. The price being somewhat better than last year, helped to make up the deficiency in their catch. About 500 barrels were used for home consumption. There was a better catch of smoked herrings, amounting to 84,000 boxes, and there might have been a larger business in this line, but prices were so low that those in the business preferred making oil and pumice, which paid better." Is that so!—A. I could not say. The inner bay is Passamaquoddy. It is a different district. I have no control of that. I could not say how many herring were caught in there. Of course he could say better about that than I could.

Q. Is it true that making oil and pumice "paid better"?—A. That might be so.

Q. (Reads.) "There were only 175 barrels of mackerel caught this year, although a large school of those fish came into the bay, but they would not bite at a bait, nor did they come inshore close enough for the weirs to do much. Those caught were taken mostly in nets, with a few good hauls in the brush weirs, but I feel confident that if seines had been employed, there would have been a large catch. In haddock and hake there is a decrease from the catch of last year, occasioned no doubt by the use of trawls or set lines outside."—A. I think that was so.

Q. Well, haddock and hake are caught by trawls outside!—A. He means outside the islands.

Q. (Reads.) "My own experience is, having formerly used a trawl or bultow, that it is a destructive mode of fishing, and kills a great many small and useless fish, as well as keeps the fish from coming near shore, and I am convinced that their use should be prohibited altogether in this country. A very serious injury to the fisheries is the habit of throwing over the gurry or offals on the fishing grounds by our own fishermen as well as by Americans. As they are fishing far off shore, a week at a time, this destructive practice can be followed with impunity."

and without fear of detection. The overseers are many miles away on shore and can do little, for the fishermen will not inform on each other. I can see no way to prevent this most destructive abuse but to have a small vessel employed to go around among the fishing craft and see that the gurry is taken ashore and disposed of."

They do take fish off shore from what I have read. Mr. Cunningham says the gurry is deposited there. Is there not a good deal of fishing more than three miles out?—A. There is not in my district that amounts to anything.

Q. Well, that is all wrong?—A. No; he does not say it is more than three miles out.

Q. He says they are fishing far off shore.—A. Well, he would say far off, and it might be two miles or it might be three miles. Far out in the bay would be between the Wolves and Beaver Harbor, where the chief fishing is done in winter. The chief fishing is done from Letete Passage to Lepreaux.

Q. You explain by saying that it is all within three miles?—A. All the herring fishery in winter is done within three miles.

Q. Well, is it done by nets?—A. Yes.

Q. Can't they catch with nets, which they do not drag on shore, but which they draw into the vessel? Do they do all this by coming on shore?—A. They do it all with nets. They take the herring on shore and freeze them in these harbors.

Q. What does he mean by speaking of their having to go a distance of 6 or 8 miles off shore before they can make a catch?—A. He has not had experience.

Q. How would they catch out there?—A. I suppose they would catch them with nets, if they caught them at all.

Q. And if so, they would bring them into the vessel?—A. I suppose so.

Q. Well, that report is all wrong?—A. A part of it.

By Mr. Thomson:

Q. Passamaquoddy is over by St. Andrew's?—A. Yes.

Q. That is the very bay in which one of the witnesses said that the fishing would be destroyed by the Americans?—A. Yes.

Q. And Mr. Cunningham lives away off ever so far?—A. Yes.

Q. This Mr. Cunningham is no practical fisherman at all?—A. No.

Q. He lives away up at St. Andrews?—A. Yes.

Q. You say that the Americans are actually now making a charge for landing permit of 60 cents?—A. Yes. We are supposed, every time we land herring, to pay 60 cents. If we don't we are violating the law.

Q. Had you to pay that before the treaty?—A. Yes; we always had to pay that, and, in addition to that, we had to pay a duty.

Q. Notwithstanding the treaty, they make you pay 60 cents?—A. Yes.

Q. Is Mr. Cunningham overseer for the whole of the county?—A. No; only for Passamaquoddy.

No. 31.

WEDNESDAY, August 23, 1877.

The conference met.

WALTER B. MC LAUGHLIN, light-house keeper and fishery overseer at Grand Manan, in the county of Charlotte, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. Where do you live?—Answer. At Grand Manan.

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Q. What offices do you hold there?—A. I am light-house keeper and fishery overseer.

Q. You are also a county councilor?—A. Yes. I am also a captain of the militia.

Q. I should be surprised if you were not a justice of the peace?—A. I am *ex officio* in view of my commission as fishery overseer.

Q. You were born there?—A. No; I was born in Nova Scotia.

Q. How long have you resided on the island?—A. I have resided there all my life-time.

Q. How long is that?—A. Forty-eight years.

Q. Has your father ever been engaged in the fisheries?—A. Yes.

Q. In what way?—A. My father was engaged both as a fisherman himself and as an employer of fishermen—that is, he had an interest in vessels and hired men.

Q. He was a practical fisherman himself, and not only that but he employed men to fish?—A. Yes, to a small extent.

Q. Was not he a fishery warden in his life-time?—A. He was nearly all his life, while he lived on the island.

Q. Has your attention been directed to the fisheries and fishing ever since you were old enough to know anything?—A. Yes, sir.

Q. Are you yourself now engaged in the fishery?—A. No; I am not; anything more than as a fishery overseer.

Q. How long have you been a fishery overseer?—A. Since 1867.

Q. You were appointed when these provinces were confederated?—A. Yes; my father died in 1861. I was appointed in his place.

Q. What are your duties as overseer; to enforce the laws and regulations with reference to the fisheries?—A. Yes.

Q. Now, the island of Grand Manan is a large island, is it not?—A. Yes.

Q. It is about 30 miles long?—A. On the chart it is about 14½ marine miles; about 20 English miles we call it. It contains 100 square miles—that is, Grand Manan and the adjacent islands.

Q. What is the population?—A. Over 2,000. There are 400 or 500 families, I think.

Q. Are they all more or less engaged in the prosecution of the fisheries?—A. All, directly or indirectly.

Q. The fisheries around Grand Manan are the most important in the bay?—A. They are considered so. They are considered the key of the fisheries in the Bay of Fundy. It is the most important fishery in the Bay of Fundy.

Q. Now is it a spawning ground for any kind of fish?—A. It is for herrings and halibut. I would not say as to codfish, although people often take them with the spawn in them.

Q. It is certainly so for herring and halibut?—A. Yes.

Q. Where is the great spawning ground for herring?—A. We consider it is from a point called Red Point, near Seal Cove, to Bradford's Cove. They spawn some all around the island. (Points to map and describes spawning ground.)

Q. You have pointed out the spawning grounds; now what is the close season?—A. The law says from the 15th July to 15th October.

Q. Do you enforce that as far as you can?—A. Yes, sir.

Q. Where do the halibut spawn?—A. They spawn in different parts of the island (pointing to map). This was considered the chief spawning ground, between the Three Islands and Wood Island.

Q. Do they spawn close inshore?—A. They do in that locality.

Q. What about the herring?—A. They spawn close inshore.

Q. You say that is the spawning ground for the bay?—A. That is the greatest spawning ground.

Q. Well, now, it is your business to give a return of the fish that are caught year by year?—A. Yes; we have to make returns.

Q. Well, now, what is the value of fish taken by the British subjects? Or, by the way, can you tell me how many boats and vessels there are engaged belonging to Grand Manan?—A. We have very few vessels, not over 10. We had 18 reported last year, but some of them should have been entered as boats. There are something over 300 boats. But I want to make a statement with regard to these boats. Our people follow two kinds of fishing. The weir fishing requires a skiff that they don't use in line fishing. So I have to take an account of all, and I make 300 boats. We have about 200 superior boats for line fishing.

Q. You say there is a skiff required for weir fishing that is not used in line fishing?—A. Yes. It is not used for net or line fishing. That gives quite a number of boats for the number of fishermen.

Q. How many of those skiffs are there?—A. Well, I should think we had probably over 100. One hundred and fifty probably.

Q. What do you say is the whole number including these?—A. I could not speak certainly from memory. (Consults memorandum.) There are 350 boats. About 200 of them would be fishing-boats for line and net fishing.

Q. How many men would each of those boats have?—A. There would be about two men to a boat as a general thing. I do not refer to weir fishing, but in line fishing the average would be two men to a boat, or perhaps more.

Q. What time does your herring fishery commence?—A. They take herring all the year round at Grand Manan.

Q. For what purpose?—A. For all purposes they can be used for.

Q. Have you not a close season from 15th of July to 15th October?—A. Yes, but that is only on a small part of the island. I am overseer for the whole island.

Q. Well, you mean you do not prevent them from catching herring elsewhere?—A. Certainly not, only during the weekly closed time.

Q. For what purpose do they catch them in summer?—A. For bait, pickling, smoking, &c.

Q. The valuable fishing for herring is in winter?—A. Yes. The great fresh herring business is carried on in winter almost exclusively.

Q. That is the frozen herring?—A. Yes; and a good many herring are pickled in winter too. It is put in barrels and salted.

Q. That is the ordinary salt herring?—A. Yes.

Q. Are those herrings that are caught in summer—all summer through—are they good herrings?—A. Yes; so long as they are not ripe herring depositing their spawn. There is a time when they get a few of these even outside of the spawning grounds. Of course, these are really not very good for food, though they are often eaten.

Q. There are but few of those?—A. Yes, few.

Q. What other fish besides herring do you take?—A. Cod, pollock, hake, haddock, &c.

Q. Are those all taken inshore?—A. Yes.

Q. All of them?—A. Yes, by our boats. Of course, boat-fishing must be inshore.

Q. What do you understand by inshore?—A. Within three miles—a marine league from land.

Q. You say all those fish you speak of are taken inshore?—A. Yes.

Well, there was 1,400 quintals taken on the Banks out of the catch stated in my estimate last year.

Q. What do you call on the Banks?—A. I mean on the Banks clear of three miles from the land. Out of 7,000 quintals, in my estimate, 1,400 were Bank fish; but they always give me far less than the real estimate.

Q. That is the boat-fishers, you mean?—A. They all give me less, whether outside or inside.

Q. The chief fishing is inside, as regards cod?—A. Yes.

Q. How is it with respect to hake and pollock?—A. They are entirely inside. There is halibut outside the three-mile line, but the best fish has always been inside.

Q. Did you see the halibut spawning-ground?—A. Yes; very close in. There is a large spawning-ground very close in, but it has been pretty well destroyed.

Q. How so?—A. By trawl-fishing.

Q. Is that since the treaty?—A. Yes, sir.

Q. Who introduced that trawl-fishing—the Americans or our fishermen?—A. The Americans introduced it with us.

Q. What is the effect of that trawl-fishing upon the fisheries generally?—A. What do you mean by the effect of it?

Q. Will it destroy the fish?—A. Well, if you catch all the spawned fish there can't be any left.

Q. State why the trawl-fishing destroys the fish.—A. Well, they catch the spawned fish and the small fish; they catch all. Where our fishermen fish with the hand-line, there will be two men in a boat, and those men cannot attend to more than two lines each. Each line has two hooks on it, so they have four hooks to a man, and that makes eight hooks to a boat. Now, they let that line go to bottom and haul it up a fathom or a fathom and a half. The spawned fish lie on the bottom and they cannot take the bait. But the trawl goes right to the bottom and the spawned fish swallow the hook and it kills them. Again, when a line-fisherman takes small fish they hardly ever swallow the hook, and the small fish is put back alive—but the trawl kills them. The spawned fish hardly ever take the hook unless it comes right into their mouth.

Q. The hooks on the hand-lines are very much larger?—A. Yes.

Q. Therefore the small fish cannot be caught, as a rule, with the hand-line, and if they are they are put back into the sea; they go off?—A. Yes.

Q. They are injured very little?—A. Yes.

Q. They are not killed?—A. No.

Q. But it is a smaller hook that is used with the trawls?—A. Yes; they swallow that and it gets into the stomach and kills them, and they are thrown back into the sea as gurry.

Q. They bring up all sizes with the trawls?—A. Yes; they kill the skate on the bottom which we consider a scavenger for eating up the gurry. They are killed and made no use of.

Q. The skate, then, is your scavenger?—A. I consider it so there; the skate, sculpin, &c.

Q. Do you know whether the cod and other fish swallowing gurry are apt to be killed?—A. Our fishermen tell me that they swallow the back bone and head and it destroys them. They catch them very poor and lean.

Q. But the skate has a stomach to stand that?—A. It seems to be the case.

Q. Well, then, in reference to the throwing over of the gurry, what effect has that?—A. It has the effect of injuring the fisheries; it destroys the fish and injures them. This is universally considered by fishermen to be the effect.

Q. It is admitted also that this trawling injures the fish?—A. Yes, sir; it is, of course, disputed by a few, but many believe it is destructive.

Q. Do you believe it yourself?—A. I do with all my heart.

Q. Are you aware that where they have trawled for some considerable time at particular places, you cannot trawl again for a great length of time?—A. It has been introduced so recently in our waters that I only know it to be the case with the halibut spawning ground. I know that is fished out.

Q. Within the last ten years?—A. Within the last seven years. Our fishermen have been to me, every few days almost, to get up a petition to the government to prevent trawling. I have not done so.

Q. Before the Treaty of Washington they did not trawl at all?—A. No.

Q. What is the feeling of your people with regard to it?—A. They are very much opposed to it in Grand Manan, and have only been forced into it for self-defense.

Q. Why?—A. Just as I say. Two men in a boat have eight hooks; they will come along with a trawl that has fifteen hundred hooks. You can easily see where the disparity is. It is fifteen hundred hooks against eight. You see what the result is.

Q. The result is that our men are driven into it in self-defense?—A. Yes. Our men will go and raise a good school of fish with hand-lines. An American will take a glass and see what they are doing, and whichever boats have the best school they will come along to use their trawls alongside, and our boats have to pick up their anchors and away. The fish will leave the hand-lines for the trawl in an instant.

Q. Then our fishermen, knowing full well that the fisheries are being destroyed by these trawls, are obliged to use them?—A. Well, I will give you an illustration. Captain Dickson has a vessel of forty tons, which he fitted out, and went to our grounds fishing. He was about a month, and got, I think, forty quintals, while the vessels fishing with trawls were getting plenty. Captain Dickson then fitted out with trawls, and in three weeks' time he got four hundred quintals.

Q. How many did he destroy to get those four hundred quintals?—A. He did not tell me, and I didn't ask him.

Q. Where was she fishing?—A. In our waters around the island.

Q. How many quintals did she catch in three weeks?—A. She caught forty quintals, I think, with hand-lines.

Q. How long was she getting the other load?—A. She was three weeks or a month getting four hundred quintals.

Q. With the same number of men?—A. Yes. That, of course, shows the practical difference between trawl-fishing and fishing with the hand-lines.

Q. Our own people are quite willing to give up the trawl-fishing at any time when the Americans do?—A. They are not only willing, but anxious. They are ready at any time to give it up.

Q. I suppose our people feel anxious that the fisheries should be preserved?—A. Yes; they feel so naturally.

Q. But how about the Americans?—A. I do not think they feel so anxious. The capitalists may feel anxious. I do not know positively that they do, but the fishermen do not feel anxious about the matter.

Q. They go in for the gain of the hour?—A. Yes.

Q. You have stated that there are about 400 or 500 families in the island?—A. Yes.

Q. And there are about 2,000 inhabitants?—A. Yes.

Q. Do they own their own land?—A. Lots of them.

Q. They have their own houses?—A. Yes.

Q. They are mostly permanent settlers like yourself?—A. Yes.

Q. They would naturally feel an interest in the permanence of their own fisheries?—A. Certainly, they do.

Q. Well, you say our people complain very much of this trawl fishing, and come to you about it?—A. Yes; a number will not go into it at all. They tell me they will starve before they will make a trawl, or they will go out of the business entirely.

Q. In your opinion it won't take very long to destroy the fisheries in that way?—A. I am afraid they will be destroyed if there is not something done. I am hopeful that after this is settled the two nations will establish an international law making it a crime to fish with a trawl. The same as to the seine fishing. That is bad too.

Q. Do you know anything about this purse seine?—A. No; except from what my neighbors have told me.

Q. Do they use the purse-seine around the island?—A. No; they never used it around the island.

Q. Do the Americans do a large amount of boat-fishing around the island?—A. They do now.

Q. Since the Washington Treaty?—A. Yes.

Q. Before the treaty did they send any boats?—A. They really send in more boats now than they did during the Reciprocity Treaty.

Q. After the abolition of the Reciprocity Treaty they did not come in boats?—A. No, because the boats run a great risk. They could not run off shore to avoid capture.

Q. After the abolition of the Reciprocity in 1866, and up to the Treaty of Washington in 1871, the small boats could not be sent in?—A. No; not in my district, for they could be seized. But the vessels continued to fish because they could run outside of the limits.

Q. You say that since the Washington Treaty the boats have come in great numbers?—A. Yes.

Q. The American boats come over from the main land, do they?—A. Yes. They come over from different parts along the shore, from Eastport and thereabout.

Q. What is the distance from Eastport to Grand Manan?—A. From land to land it is only about seven miles. From Mount Desert it is a good distance.

Q. Do they come from as far westward as Mount Desert?—A. Yes; they can come along the coast. They have good harbors all along the coast.

Q. Do they go further westward than Mount Desert?—A. I would not say for boats. I would not even say that boats come from Mount Desert. A man came to me on one occasion wanting to know why he had been placed on the road list. He belonged to Jonesport. He said our commissioners had put him on our road list. The fact was that he had been fishing so long alongside of our wharves that they had got him down as a citizen.

Q. Where is Jonesport?—A. It is between Mount Desert and Cutler.

Q. Then he had fished so much there that they had put him down as a resident?—A. Yes.

Q. Well, those boats—those American boats—do they equal or out-

number ours?—A. I think they outnumber ours. I would not say positively. I am convinced in my own mind that they outnumber ours.

Q. Those boats supply the coast of Maine with fish?—A. Yes.

Q. Our people do not compete with them in those markets?—A. Our fish go to Boston, Portland, or New York. Those boats supply their own coast.

Q. How often do they go home with their fish?—A. They fish a week or so and then go home. They have a nice little cabin in the boat and the men sleep in that. As soon as they get a load they go home.

Q. How do they keep their fish?—A. They salt them.

Q. How is it about the fresh fish?—A. Well, when they come for fresh fish in the winter time, of course they have larger boats or vessels.

Q. And the fish that are taken by the Americans in the summer they salt?—A. Certainly, unless they sell them fresh in the American market. In that case the vessels come supplied with ice. There are a few that run to Machias and other places with fresh fish, the same as they do to Eastport or Lubec; but any that make a business of selling the fish fresh must have an ice-house.

Q. Those American boats that you spoke of all fish within three miles?—A. Yes; I consider that they all fish within three miles—a marine league. Boat fishing means that.

Q. Now, about how many American vessels fish on the coast during the season?—A. It would be hard to tell that. It has never been my duty to count them.

Q. They come in large numbers, and they greatly outnumber ours?—A. Yes; our people at Grand Manan fish but little in vessels.

Q. Do these vessels come in fishing within three miles?—A. At a certain time of the year. In winter it is entirely within. The fall and winter fishing is entirely within.

Q. What besides herring are caught in summer?—A. Cod, pollock, and hake.

Q. They catch in boats and vessels both?—A. Yes.

Q. Now, in the spring are you not visited by the Grand Manan fleet from Gloucester?—A. Yes; they used formerly to come to Grand Manan direct. Generally now they go to Eastport and get the Eastport people to catch bait for them.

Q. When you say "formerly," do you mean after the Treaty of Washington?—A. Yes; they did not come before that much. It is since 1871 that they have come principally. They will come down every spring.

Q. How long do they last?—A. Sometimes a longer, and sometimes a shorter time.

Q. How many years after the treaty did it commence?—A. It has lasted down to the present time, for that matter. There has not been so many this last spring as before.

Q. I thought you said there had been a change in the practice?—A. There has not been a change in the practice of getting bait at our places, but in the mode of getting it. They generally come to Eastport and make that their place of departure. The Eastport people are acquainted with our waters almost as well as our own people, and they come across and catch fish and sell to the Gloucester fishermen. That is the majority of the cases now.

Q. I understand that at first they came down themselves and bought?—A. Yes.

Q. And now they come chiefly to Eastport to employ Eastport fishermen, who catch the fish and bring them to them?—A. The big vessels are not fitted out for herring fishing. They take an Eastport

vessel in company with them, and come over and anchor in our waters. They bring their own fishermen with them and anchor in our waters, and get their bait there. They sometimes come in the fall for bait.

Q. They are not confined to the spring?—A. No. In the spring they come always. They have come less this year to Gradd Manan than ever before.

Q. Where have they gone this year?—A. I think to Campobello, Deer Island, and those places.

Q. Still in British waters?—A. Yes; we have the herring fishery.

Q. How many came down in the spring?—A. To the Grand Manan grounds, I should say forty sail. I would not say positively.

Q. As a practical fisherman, you say about forty sail of them?—A. Yes.

Q. Do you see them come in the fall?—A. Yes; at all times of the year.

Q. Where are the fish generally got that they catch in the fall?—A. Generally on the Banks, or on the coast of Nova Scotia. In the summer they take cod, halibut, &c.

Q. Do they take them in the winter also?—A. Yes. That is boat-fishing as a rule altogether. Our fishermen go in the winter time, but the Americans come in large vessels in the winter.

Q. It would be unsafe to go in boats?—A. Yes; they can only fish at certain times.

Q. Will you tell me what is the value of the fish taken by our own people each year on the island?—A. Well, I could tell from my fishing returns of last year. I could have brought them all.

Q. Do you make up your return for the whole year?—A. Yes; from the 1st January to the 31st December.

Q. You do not make it up for the fiscal year?—A. No. I am ordered to make it to the 31st December. The return states itself that it is so made up. The amount in my estimate, as I made it up from inquiry last year, is \$383,891, but that is far under the real catch.

Q. You say that is far under the actual value of the catch. How do you account for its being under the amount?—A. Well, the fishermen are reluctant to give an account of what they make on account of the taxation. We have a free-school law now, and are taxed very heavily for it.

Q. It happens that you are an assessor of taxes?—A. I am at times, and I am a county councilor, and have been a census enumerator.

Q. And they do not like to give this information to you; you are the last person to whom they want to give it?—A. Well, I tell them that the marine department never lets such information go out of its possession. They tell me there is no need of its doing so, that I have it all in my hands. They say it is too thin.

Q. Then you believe the amount you have given is an under-estimate?—A. I know it must be over half a million dollars; that is our old \$500,000.

Q. That is within the mark for your own island?—A. Yes.

C. Of the British catch?—A. Yes, our own Grand Manan people. Because sometimes they come over from Campobello and other places; but I have nothing to do with that.

Q. Well, now, is the American catch larger or smaller?—A. I think it is larger.

Q. Have you any doubt?—A. No; because their appliances are so much better than ours, and I think their men outnumber ours.

Q. I suppose they are just as assiduous in using their appliances?—

A. Just as much so. One of their vessels will take more haddock in a short time than ours will in a whole year. One of theirs took 150,000 pounds in a week, while all of ours took only 50,000 pounds in the whole year. That was sold fresh.

Q. Then the American catch, I should judge from what you say, must be very much larger?—A. Well, that was only an isolated case; but I consider it is very much better. The appliances are better. They can lie on the fishing grounds; They have fine vessels, and good, bold men that are our own subjects; they generally have alien crews, the Gloucester vessels especially.

Q. All that catch that you estimate at over half a million for the British fishermen, and more than that for the Americans, is within the three-mile limit?—A. Yes. The British is, for certain, and I think the Americans catch much more inshore than our own people. Of course, they catch a great many outside.

Q. Now, from your experience of the fisheries, would it pay the Americans to come into the waters of the Bay of Fundy at all if they were debarred from the privilege of coming within three miles of the coast?—A. I do not know how they could come. They could not get bait.

Q. Well, if they could get bait could they get fares?—A. No, for certain; they could not supply their own market, if they were debarred.

Q. Could they prosecute the fisheries successfully if they had any market to supply?—A. Well, I do not know how far they would be actually debarred.

Q. I am supposing, for the sake of argument, that they could be kept out altogether?—A. Well, I do not think so. I think their catch would be probably less than one-third of what it is now.

Q. From your experience do you think they could prosecute it at all?—A. I think they could in some cases. I do not think they would invest money, only the wealthy capitalists, because, of course, the scarcer the fish became in the American markets the greater the price would be.

Q. And you think there would be very few fish that they would catch outside?—A. Yes. The capitalists could perhaps keep a certain number of vessels out.

Q. Suppose they were kept out of the grounds and you were allowed to send in your fresh fish as you were formerly; there was no duty on that, was there?—A. No.

Q. Well, then, they could not compete with you at all.—A. No; they could not compete with us.

Q. What is the feeling with reference to the treaty there?—A. The Washington Treaty? Well, our people are dissatisfied with it. They would be willing to go back to the old state of affairs. If it had been put to the people there, they would have voted it down for certain.

Q. What is your own opinion?—A. It is that it is an injury to our fisheries.

Q. Suppose they were kept out and were to put any reasonable amount of duty upon herring, say about \$1 a barrel, as it was before?—A. We can pay any reasonable duty they can put on. We have a better market of our own now since confederation.

Q. You have now the whole Dominion?—A. Yes. It is not only that we have a free market in the whole Dominion, but the facilities for conveying our fish are so much better now since the railway has been built. Most of our fresh fish—and line fishing—cod, pollock, and haddock, in winter are sent to St. Andrews. Hart, for one, buys them and sends them up the line.

Q. You had not even during the Reciprocity Treaty that market?—  
A. No; not then. Our fresh fish-trade was not anything during reciprocity. It is a new feature.

Q. During that time you had no free-trade with the other provinces?—  
A. No; there was very little communication at all. We did not know anything but the American market, as a general thing.

Q. And now you have the whole Dominion?—A. Yes; and it is a good market.

Q. Do you find now, since the Washington Treaty, that you are fore-stalled in the Canadian markets by the Americans?—A. Well, that is the case to some extent. Captain Gaskill told me he went to St. John with fish and found that two Americans had sold there before him, and they got a little better price than he did, because they were there before him.

Q. Where had they taken their fish?—A. I suppose in our waters or else on the Banks; one of the two. I don't know where they caught them.

Q. He is a resident of the island?—A. Yes.

Q. He is a practical fisherman and ship-owner?—A. Yes.

Q. Now you have spoken of Grand Manan. You are not very far from Campobello, are you, or West Isles?—A. No; a very short distance; 7 or 8 miles.

Q. Your people go a good deal about there fishing?—A. Yes; they are very much like ourselves.

Q. Take Campobello; is the fishing around Campobello larger or more valuable than that around West Isles?—A. I should think it would equal it, if not surpass it.

Q. In your judgment, are as many men, boats, and vessels employed in the fisheries at Campobello as in the fisheries of the West Isles?—A. I think so; I am quite sure. The people of West Isles own their own land. On Campobello they rent their land, and have to live more on the fisheries.

Q. West Isles is the district over which Mr. Lord has jurisdiction as Fishery Commissioner?—A. Yes.

Q. Campobello is a British island, I think?—A. It is, sir.

Q. It has a fishery-officer, I think, too?—A. Yes. It is within gunshot of Lubec, and about three miles from Eastport.

Q. It is close to the shore?—A. Yes.

Q. Do you know where the boundary-line of the province runs between Campobello and the Maine shore?—A. I do not.

Q. Where is the chief fishery at the island? Is it toward the New Brunswick shore?—A. Yes; the line fishery is. Where the herrings are caught is principally on the northwest side, passing Eastport and Lubec.

Q. The weir-fishing is on the flats?—A. It is between high-water and low-water mark, and it is sometimes outside of low-water mark.

Q. It cannot be far outside of that?—A. Well, sometimes they weir fish in seventeen feet of water.

Q. How do they clear them?—A. With the seines. They have seines for all their weirs.

Q. Is there very much bait-fishing around there?—A. The bait-fishing is principally on the eastern end of Campobello.

Q. It is the New Brunswick shore?—A. Yes, on the New Brunswick shores.

Q. I mean towards the New Brunswick mainland?—A. Yes, towards the New Brunswick mainland and the island. Between Deer Island

and Campobello, and that neighborhood, there is a strong marine current, commonly called the Quoddy River.

Q. Is that a good fishing-ground?—A. It is Quoddy River that they fish in principally.

Q. What do they catch in it?—A. Cod, haddock, hake, &c.

Q. At what seasons do they fish; at all seasons?—A. I think they do, but along in the summer is principally the season. I came up through a fleet of boats there that were catching a fine lot of fish. It was the largest fleet I ever saw. All were more or less loaded with fish. They were trawling hake, haddock, and cod principally. I saw the trawls and hand lines.

Q. One witness said that they got about 700 or 1,000 quintals a day; would they catch that much?—A. I was told by a man whose boat I towed up that there would be 500 quintals landed that day in Eastport.

Q. Of haddock?—A. Yes, principally; but there was cod as well.

Q. You are well acquainted with the fisheries of Charlotte County; take the mainland fishing from Letete as far as Lepreaux, is that a good fishing ground?—A. It is considered a good fishing ground. I am not personally acquainted with it, and can only say from what I have heard. My duties have never carried me there.

Q. But your practical knowledge extends there?—A. Yes.

Q. What would be the value of the mainland fishery, the British fishery alone, taking it from Letete to Lepreaux?—A. My own fishery is, say, \$500,000; Campobello and West Isles must equal mine, and the mainland will certainly be more than half of that, if not equal to it.

Q. Well, then, you put Campobello and West Isles as about equal to Grand Manan?—A. Yes; speaking as I do, not knowing exactly, I should say so.

Q. That would be half a million for those two islands, and half a million for Grand Manan; that makes a million; and you think the mainland is half as much as either of those; that would be a fair estimate for the mainland?—A. Yes; Charlotte County is a very important fishing county. In 1861, I was a census enumerator, and I think the result of the fishery in that county nearly equaled that of all the other fisheries of the province, with the exception of St. John County.

Q. You put half a million as the catch of the British fishermen on the mainland for the year, and, in your judgment, the American catch is the same?—A. All I can judge by is what I hear. They come down in their vessels. I think they have their own way on the north shore very much more than on Grand Manan. I have a great deal of trouble with them there. But on the north shore I think they have things pretty much as they want. I would say that they probably surpass our own catch.

Q. We had Mr. McLean here as a witness, and he gave us an estimate of the fishing population in the county, which we thought must be an over-estimate. The whole population in the county is between 26,000 and 27,000, is it not?—A. By the last census it was, I think, 26,000.

Q. Mr. McLean said he supposed 12,000 or 13,000 were engaged in the fisheries. Subsequently he said 6,000, and finally he said he did not know what it was. What do you say, as a practical man, is about a fair statement of the number of persons engaged in fishing in that county?—A. West Isles must be nearly 600, and in Grand Manan there is something over 400 fishermen out of a population of about 2,000. You can make an estimate from that.

Q. There would be about 1,200 to 1,500 for the whole county?—A. Yes; I think 1,500 would be fair for the whole county. It would not be over that. It is more likely to be under than over.

Q. Now, take Grand Manan; judging by the returns that the fishermen give you, can you tell us what each family makes by fishing? Do you know that from statements of their own or from personal observation?—A. I should think \$1,000 a year would be the utmost each would make. I do not mean clear; they certainly would not clear that.

Q. But they would make that?—A. I suppose from \$900 to \$1,000.

Q. Now, I want to know what your opinion is as to the value of the fish caught by the American fishermen in our waters year by year?—A. Well, I think it equals if it does not surpass the value of those taken by our own fishermen.

Q. You make our value a million?—A. The value of our catch should certainly be over a million.

Q. And the Americans you say certainly take as much?—A. I think so, because their appliances are better.

Q. On the mainland you say our catch must be half a million, and the American catch is equal to that?—A. Yes; I think so because they come down in the winter and follow these fine harbors up.

Q. You make for the mainland and islands a million and a half to be the catch of the Americans, and the same for our own people?—A. I think that would be fair.

Q. That is within our waters, within three marine miles?—A. Yes.

Mr. FOSTER. What do you include in the mainland?

Mr. THOMSON. From Point Lepreaux to Letete.

WITNESS. From Point Lepreaux to St. Andrews.

Q. You make one and a half million taken by Americans, and the same by the British fishermen?—A. Yes.

Q. And that is a low estimate?—A. Yes.

Q. Is the privilege of fishing in the American waters of the slightest benefit to any Canadian?—A. Not the slightest. I never knew one of our fisherman to fish in the American waters during the old Reciprocity Treaty, during the whole twelve years. I don't know why they should. We have more of our own.

Q. Have you any trouble in keeping the Americans from breaking the fishing regulations?—A. Well, I have a little more than we have with our own people, from the simple fact that our own people I can catch afterwards if I don't happen to catch them at the time. I can catch them afterwards, within two years.

Q. They are within the jurisdiction and you can get at them?—A. Yes, I can; anywhere in the county. But the Americans, if I don't catch them in the act, get clear.

Q. And if you do, you must be strong enough to catch them?—A. I have to get hold of a very weak one to capture him. I have only caught a few in my whole time.

Q. Take the spawning ground, which should be closed from the 15th of July to the 15th of September; have there not been infringements of that regulation?—A. I know one case that I found out on my way here. Last week it was stormy and blowing, and I could not go in the small boat, but when I got to Eastport, on my way here, I learned that a man living in Eastport had taken 80 barrels. If he was a Charlotte County man I could catch him, but he is a Charlotte County man living in Eastport, and the American flag is responsible for him. He took 80 barrels in one night's catch.

Q. Upon your very spawning ground?—A. Yes. I wish the Ameri-

cans would let us go across and catch them. I think a great many of the Americans themselves are anxious to have the spawning grounds protected.

Q. Along that coast, from Eastport and Lubec, towards Mount Desert, are there not great numbers of fishing villages that depend upon fishing for a living?—A. They are about the same as our own. They live on coasting, fishing, lumbering, and so on, just exactly as ours do. I know no difference between them.

Q. Without our fisheries could they live by fishing?—A. No, because if they could they would not come to our fisheries. They would not come so far away. They do not have fisheries of their own.

Q. You stated awhile ago that the Campobello people fished more than those of Deer Island; that is, of the West Isles Parish. On West Isles I think the people own their farms?—A. Yes.

Q. In Campobello it is not so?—A. No.

Q. It was formerly owned by Captain Robertson. It is now owned by his heirs, is it not?—A. It is owned by Mrs. Robertson. They can only rent the land, and as they do not own it they have to depend more upon fishing than the people of Deer Island.

By Mr. Foster:

Q. Do I understand that you have been fishery overseer ever since the death of your father in 1869?—A. He didn't die in 1869. I have been fishery overseer ever since 1867. He died in 1861.

Q. Who held the office in the interim?—A. There seemed to be no one during that time. It was under the old New Brunswick Government and no one took his place.

Q. At the Southern Head it was not protected during that time?—A. We had local fishery overseers appointed by the town and not by the government.

Q. (Reads) "Owing to the sudden death of the local overseer, in the midst of the fishing season, no complete return of Grand Manan fishery could be obtained;" who was that?—A. That was Mr. Drake, of North Head. I had charge at that time of the South Head. After the death of Mr. Drake they made me do the whole work, but they did not give me Mr. Drake's salary.

Q. That year there happened to be no complete estimate made owning to his death?—A. I did not use to make an estimate when Drake was overseer. I made an estimate after that year as best I could.

Q. Now, you are a naturalist to some extent. You have made a study of the habits of fishes. Are there no instances of herring spawning three miles from the shore?—A. We don't know any instances about Grand Manan.

Q. There are plenty of instances in the old country, I think. It is not universally the case that the spawning is inshore?—A. It seems that there are peculiar banks where they can spawn.

Q. You have no knowledge of any spawning-grounds except within the three-mile limit?—A. No.

Q. How is it with the catch of herring? Is it uniformly the case on the American coast, I mean the coast of the American continent, that is, either British or United States; is the herring catch entirely confined to within three miles of the shore?—A. It is confined within three miles.

Q. Is there not a considerable catch of herring outside of that?—A. Not to my knowledge. There used to be at a place called the Ripplings. I think that would be outside of three miles. It is quite a large

patch of ground. I think the outer portion of it is outside. I think that fishery has died down owing to the destruction of the spawned herring. That was certainly not a spawning-ground, because there was no roe in the fish.

Q. Enumerate as many places as you can where herring is caught in considerable abundance off the coast anywhere. Begin as far north and go as far south as you can.—A. I confine myself principally to my own district. I know they are caught even to the southward of Cape Cod.

Q. Whereabouts?—A. I could not carry the whole thing in my head. I think there are very few caught south of the Hudson River.

Q. Name some of the localities where they are caught.—A. They used to be caught from Hudson River to St. Croix River, but it was the Maquoddy River herring. It is different from the common American herring, probably.

Q. Those, you think, are found between river St. Croix and the Hudson?—A. Yes; it is so generally understood. I don't think they catch any quantity of herring south of the Hudson.

Q. It is esteemed to be the same fish?—A. Our fishermen do not consider it so, but I suppose scientists may.

Q. Take herring generally; tell the Commission where they are to be found in abundance on the North American coast.—A. At Machias River they used to be taken in abundance. An old gentleman told me that seventy or eighty years ago he had seen a hundred sail lying in Little Machias fishing for herring. They are taken in great abundance at Grand Manan, Minas Basin, on both sides of the Bay of Fundy, on the north and south shores of Nova Scotia, at the Magdalen Islands, Newfoundland, and so forth.

Q. They are very abundant at the Magdalen Islands, Newfoundland, and on the coast of Labrador?—A. Yes.

Q. And it is a matter of common knowledge that at those places very large quantities are taken?—A. Yes; but we don't think the Magdalen herring come to Grand Manan.

Q. You think it is a different variety?—A. We think each fish knows its own coast as a sheep its pasture.

Q. Name any places off the coast of the United States where you have heard that herring are caught in abundance.—A. I don't think I could say that.

Q. Do you think there are any?—A. There might possibly be.

Q. But of your knowledge are there any?—A. My knowledge does not extend to that.

Q. The herring fishery within your observation has not diminished; the quantity of herring has not grown less?—A. It did grow less in our vicinity and in the Bay of Fundy while the spawning grounds were not protected.

Q. Has not the herring fishery increased right along for the last eight or nine years?—A. It has increased for the last twenty years simply from protection.

Q. I was not asking you your theory of the cause of the increase nor as to whether you thought protection had done it; but it is a fact that in some way or other it has been increasing for twenty years past?—A. Yes.

Q. Now the estimate you give with respect to the fishing of Grand Manan in 1869 seems to have been, as stated by Mr. Whitcher and Mr. Venning, that the number of men engaged in fishing at Grand Manan Island was 395?—A. Yes.

Q. And the value of the fish caught that year was stated at \$102,371?—  
A. Yes.

Q. Since then there have been official returns prepared for the county of Charlotte, and also for the entire province of New Brunswick?—A. I should suppose so.

Q. Has not the number of men employed in the fisheries of Charlotte County steadily increased?—A. It has, I know, in my district.

Q. And does not your knowledge extend over the county so as to enable you to say as regards the county?—A. I will say I think the number has increased.

Q. And also the total catch?—A. The total catch has increased.

Q. Right along?—A. Yes. There has been a decrease in some kinds of fish. The comparative returns show that at certain times cod-fish have decreased.

Q. I am now speaking more particularly about herring?—A. Herring has increased.

Q. Then, no doubt, herring fishery for twenty years has continually increased?—A. For nine years anyway.

Q. And the aggregate fish product of your county has increased?—A. Yes.

Q. In 1870 there seems to have been 670 men employed in fishing in Charlotte County. Does that accord with your judgment?—A. I think there would be more than that number that year.

Q. And 38,581 barrels of herring were taken?—A. That is underestimated.

Q. Is it not a reasonable estimate? What percentage under do you think it?—A. My own island, I think, put up 14,000 barrels last year.

Q. I am on 1870?—A. I am judging from last year. That is a safe estimate.

Q. Do you think it is an underestimate?—A. I think it is under if anything.

Q. It is not absurdly low?—A. Not absurdly low.

Q. It is not such an estimate as a man of good judgment might make?—A. The same causes are in action in other parts of the province as at Grand Manan. Where the fishery officer does not care about the returns, he gives estimates. The fishermen are afraid of taxation. We have never been used to high taxes in New Brunswick.

Q. So some of the fishermen state things low to avoid taxation?—A. Yes.

Q. And some, by way of brag, might state things a little high?—A. I don't think they do. I don't think any man is fool enough to overestimate it.

Q. Don't you think any of your fishermen have made a true statement to the official?—A. They look upon it as they do upon a custom-house oath, as not amounting to anything. They are not under oath and they want to protect themselves.

Q. The men who go round to get these returns know about the catch, and they mean to make a proper return to the government?—A. They must take the catch from the fishermen.

Q. Honor bright, do you mean to say there is no dependence to be placed on these official returns, or do you mean to say that the official returns, from certain causes, are a low estimate?—A. They are a low estimate from that cause.

Q. They are low but not absurd, I suppose?—A. I don't know what you call absurd.

Q. What do you call absurd ?—A. I should say that if the catch was 30,000 and they said it was only 5,000, the statement would be absurd.

Q. Do you mean to say the official returns are of that character ?—A. They are not of that character.

Q. What do you think should be added to the amount stated in the returns ?—A. They are all of one-third below. I should think that would be a fair estimate.

Q. You think the whole catch last year is one-third more than it is estimated in the returns ?—A. I think it is one-third more than it is estimated.

Q. As to the number of men employed, was that truly returned ?—A. That is truly returned, because I took their names. There are boys engaged, but we don't count them.

Q. Then as to the 38,551 barrels of herring, what weight would there be in a barrel ?—A. Two hundred-weight of salt herring in a barrel.

Q. Is any provision made for their inspection ?—A. If so, we have no inspector.

Q. Then the quantity would be one-third more than 38,551 barrels ?—A. Yes.

Q. And one-third more than 60,200 boxes ?—A. Yes.

Q. The total fish product of Charlotte County is placed at \$172,538.80 for that year ?—A. Yes.

Q. How much more than that would it be ?—A. Of course, if there was one-third more fish than estimated, there would be one-third more in money.

Q. Take that valuation, what is there in it besides herring ; of what is the product composed ?—A. I can give you the quantities of fish of different kinds for last year.

Q. But I want to find out something about the other kinds of fish contained in the aggregate return for 1870. First, there is some salmon, is there not ?—A. Very few, I think.

Q. 1,600 pounds ?—A. That is a small quantity.

Q. How much mackerel ?—A. We have not any.

Q. Is there any considerable quantity of mackerel anywhere in the Bay of Fundy ?—A. I think there is, but the fishermen do not look for them. Sometimes mackerel are caught in the weirs ; in 1875 about 1,000 barrels were taken in our weirs.

Q. The Bay of Fundy has been practically abandoned as a mackerel-fishing ground ?—A. Yes.

Q. That goes back how far ?—A. I think forty years.

Q. It is less than forty years since you seized American schooners there ?—A. We did not seize them in our waters for mackerel, but for other fishing.

Q. Mackerel fishing there died away before your day ?—A. I remember it ; I was then eight years old.

Q. Are any alewives included in the return for 1870 ?—A. We don't have many in Charlotte County, I think.

Q. There are not any entered, I see ; then we come down to cod-fish ?—A. Yes ; there are cod-fish.

Q. Eight hundred and fifty-four hundred-weight of dried cod-fish is entered for Charlotte County that year ?—A. That must be a mistake ; there is certainly a mistake.

Q. What would be your estimate for 1870 of the dried cod-fish ?—A. I cannot speak for Charlotte County.

Q. You have given an estimate of the amount taken at the Grand Manan and the mainland for the present year, 1876 ?—A. Yes.

Q. But you cannot tell anything about the quantity of dried cod-fish in 1870?—A. Not for Charlotte County. I think we must have put up that year from 10,000 to 15,000 quintals. We put up 7,000 quintals last year, and cod was not so plentiful.

Q. Put it up dry?—A. Our line fish is almost all put up dry.

Q. Pickled cod is put down at 2,300 barrels?—A. They are small cod caught inshore at Passamaquoddy, and are put up in half-barrels. We hardly ever barrel any cod in Grand Manan.

Q. Do you know anything about the lobster trade there?—A. Yes.

Q. Twelve thousand cans are entered; what would they be worth per can?—A. About twenty-five cents.

Q. Twenty-four thousand haddock are entered; is that right?—A. Only during three years have we been required to enter haddock separately, so many fish. That was intended as pounds of fresh fish. We did not formerly catch haddock.

Q. There is an entry of 420 barrels of haddock and five hundred-weight of pollock; are those approximately just estimates?—A. I do not think they are. I think the quantity is too small, but I could not tell you how much it was. I do not think the quantity returned is large enough for Grand Manan.

Q. Then we come to hake, 330 barrels, and pollock, 120 barrels; are they too small?—A. Yes; they do not put much pollock in barrels, but in quintals.

Q. Next there are 1,500 gallons of oil?—A. That is too small.

Q. And 970 tons of pumice, which is what remains after the oil has been squeezed out; your oil is made from what fish?—A. From herring, principally. Hake gives one gallon of oil to the quintal in Grand Manan, but it is not so good at the Western Isles and Campobello.

Q. The total value of the fish products of Charlotte County for 1870, is estimated at \$172,538.80 in the official returns?—A. Yes.

Q. How much should that amount be increased, according to your judgment?—A. To be perfectly safe, I would increase it one-third.

Q. Now we come to 1871; there seems to have been a large increase that year?—A. Simply because they took the returns correctly; they began to be more correct.

Q. Have the returns since 1871 continued to be correct?—A. I can speak for my own returns; I have always tried to be as correct as I could.

Q. You think for 1871 and subsequent years the returns for Charlotte County are pretty true?—A. I could not say that. I know I am about the only officer in Charlotte County who makes personal inquiry. I am better paid than the other officers.

Q. Is there reason to suppose that from 1871 down, this business of making statistical returns has not been fairly well done, making allowance for the fact that there is a sparse population and the officers are underpaid? Are not the officers intelligent and honest men?—A. I questioned some of the officers as to how they got their returns. They told me they did not get them by personal inquiry. I know that each is anxious to have his own parish estimated as low as possible on account of the County Council.

Q. They don't miscount the number of men employed?—A. Not as a general thing. I don't miscount mine, because I count them myself.

Q. In 1871 the number of men employed was 1,359?—A. Yes.

Q. That is exclusive of boys?—A. Yes.

Q. They appear to have caught, that year, 107,746 barrels of herring;

the number of boxes is not given?—A. That, I think, would be a fair estimate.

Q. Do you recollect what they were worth per barrel in 1871?—A. From \$3.50 to \$4 per barrel.

Q. The total value of the fish product of the county in 1871 is estimated at \$413,765. What do you say to that sum?—A. I don't think that is one-half.

Q. Don't you think the herring catch is more than one-half of the total fish product?—A. I think not.

Q. In 1872, 1,228 men were employed. That is a falling off. That number may perhaps be taken as true?—A. I don't know why there should be any falling off. There has been a gradual increase in my district.

Q. In 1872, according to the returns, there were 29,962 barrels of herring and 571,343 boxes taken in Charlotte County. What do you say to those quantities?—A. I think I had more in my returns. There were 300,000 or 400,000 boxes in my district.

Q. The total value of the fish products of Charlotte County for the year is estimated at \$617,603?—A. I am afraid the returns from other parts of Charlotte County were not as accurate as mine. The men are poorly paid and I don't think they can afford to be correct.

Q. According to the returns there were 1,388 men employed in 1873, and the value of the fish product of Charlotte County was estimated at \$635,429.35?—A. I think you would find, if you had the separate returns, that my parish produced more than one-half.

Q. At all events, has there not been a progressive increase in the number of men engaged in fishing in your county and in the aggregate value of the catch?—A. In my district there has been, certainly, and I think there has been in the whole county.

Q. Has not the whole province of New Brunswick gone on increasing in the number of its fishermen and in the value of its catch?—A. I don't know that to be the case.

Q. What is your opinion in regard to it?—A. I don't know any reason why it should not. It is a progressive province.

Q. And the fishery has been prosperous?—A. As a general thing.

Q. In your report you say: "Compared with last year there has been a slight increase in the catch of fish of all kinds in the waters of the Grand Manan, with the exception of mackerel, a fish our people scarcely calculate on. The principal causes for this cheering increase are, the more vigorous prosecution of the fisheries, the prevailing fine weather during the whole year, the abundance of herring, both large and small, in my district. Line fish and herrings of excellent quality are now being taken in abundance along the whole south coast of the island, and our people are busily engaged in catching and selling their fish for the United States markets."—A. That is correct.

Q. Then the fishermen and fisheries are in a condition of increasing prosperity?—A. They are certainly so in my district, and we would like to keep them so.

Q. They have not diminished since you began to be acquainted with them?—A. No.

Q. Now, about the inshore fisheries, am I to understand that there are no fish caught more than three miles off shore?—A. There is plenty of fish caught more than three miles off shore, but boat-fishing means inshore fishing.

Q. Then there is a large fishery outside three miles from shore?—A. There is excellent fishing in the Bay of Fundy.

- Q. Beyond the three-mile limit?—A. Yes.
- Q. For what kind of fish?—A. For cod principally.
- Q. Do you know Overseer Best, of Beaver Harbor and Letite?—A. I am not acquainted with him.
- Q. Do you know him by reputation?—A. No.
- Q. Do you know Overseer Cunningham?—A. I have met him.
- Q. Is he an intelligent man?—A. I know he is a man; I would not like to say what he is.
- Q. Have you not heard it stated, as coming from Overseer Best, of Bear Harbor and Letite district, that "The catch was made chiefly in deep water this year, as far out as five to seven miles from the coast, and no line fish have been taken within two miles, except haddock. These have been plentiful, but cod scarce, while hake have been taken only in deep water"?—A. I read that at the time to our fishermen, and they said it was a lie.
- Q. Then you contradict Overseer Best?—A. I don't think many of them know what one mile from the shore means. The Wolves lie off six miles, but the waters between them and the mainland are ours. That is what it refers to.
- Q. It cannot refer to that, for he speaks of "from five to seven miles off the coast."—A. He means off the main coast. Such a thing as he says never took place in Charlotte County. I read it to our fishermen and they laughed at it. These overseers, I think, want to get a revenue-cutter there to look after the American fishermen who set nets on Sunday.
- Q. Where are Americans to go for information if they cannot rely on Canadian blue-books?—A. These men have been wanting a revenue-cutter there to stop Americans from setting nets on Sunday; that is what they were after.
- Q. You say there is good fishing in the Bay of Fundy?—A. Murr Ground, Grand Manan Bank, and Gravel Ground are excellent fishing-grounds.
- Q. There is, then, first-rate fishing in the Bay of Fundy for haddock and cod?—A. There is good fishing, but not so good as there used to be before there was trawling there.
- Q. Good fishing for hake and cod?—A. For only cod and haddock.
- Q. For cod and pollock?—A. Pollock is an inshore fish. The Rippings at Grand Manan is a good place for pollock. Cod, halibut, and haddock are got off shore. Hake in my district and in other districts is an inshore fish, and are caught on a muddy bottom, and pollock are taken on the ledges.
- Q. Cod, halibut, and haddock may be obtained at the places you have mentioned by American fishermen?—A. Yes; there are banks where they may be obtained. The fishing is not so good as it used to be there, and it is failing.
- Q. When did you first know trawls used?—A. Trawling has been done by Americans a great number of years. There was a law passed long before Confederation, and I suppose still exists, prohibiting trawling in the county of Charlotte; I think it does not extend to St. John. We had no trawling during the Reciprocity Treaty from that fact. Our people were, and are, unanimously opposed to it.
- Q. Give the Commission the year when trawling first began?—A. It has gradually increased since 1871.
- Q. It began as early as 1871?—A. I think a little earlier; I would be safe in saying 1871. They were not allowed to trawl so long as the law was in operation.

Q. Do you not give too much credit to the ingenuity of the Americans in regard to trawling?—A. They got it from the French.

Q. It has been prosecuted how long?—A. On the Banks, I suppose, for years and years and centuries; but not in so destructive a manner. The French use larger hooks and do not take such small fish. The Americans are the most destructive of all fishermen in the world.

Q. Notwithstanding the destruction caused by trawls and the throwing overboard of gurry and everything of that sort, the number of the men employed and the value of the fish product has steadily increased, and the business has prospered this year?—A. Yes; but you must also remember we are increasing in population and more men are engaged in the fisheries, and they put forth greater efforts.

Q. Of all the herring you catch, what proportion goes to the United States market?—A. I could not give you that; even the custom-house authorities could not give you the proportion.

Q. Is it not a very large majority?—A. I could not say.

Q. Don't you think so?—A. I could not say. Our people trade with different parts of the Dominion and United States; but I think a very large majority of our smoked herring goes to the United States.

Q. And frozen herring?—A. Our frozen herring always went there. But there is an increasing amount going into our own country. Almost all the frozen line fish taken by Grand Manan, including cod and pollack, has gone into the Dominion.

Q. Of frozen as well as smoked herring, does not much the greater proportion go to the United States?—A. Yes, but they go from there to Canada again.

Q. Do the frozen herring go from the United States to Canada?—A. So I understand.

Q. In what way?—By the Grand Trunk Railway.

Q. From what ports?—A. From Portland and Boston, and even from New York.

Q. The frozen herring are first sent down from the Bay of Fundy to Portland and Boston, and are then sent through your Dominion?—A. It is the nearest route.

Q. They are first sold to United States citizens?—A. So our merchants tell me.

Q. Of the codfish, do you know what proportion goes to the United States?—A. I could not tell you. I am asked in my return where the market is, and I say the United States and Canada. The custom-house could not do better.

Q. You are not willing to give us your estimate or judgment?—A. I think I would be safe in saying two-thirds go to the United States. Captain Gaskill sends them in bond to the United States, and I don't know where they go after that.

Q. In the province of New Brunswick, what kind of fish do Americans take; the Americans don't catch any salmon, do they?—A. No; they are not allowed to catch salmon.

Q. The mackerel are so few the Americans do not catch many of them, I suppose?—A. No.

Q. They do not catch shad?—A. No.

Q. Nor bass?—A. I think they fish at the head of the Bay of Fundy for shad and bass.

Q. But are not shad and bass essentially river fish?—A. Yes; but, after all, the very best are caught in salt water.

Q. Do the Americans catch many bass?—A. I don't say they catch many, but they fish with nets at the head of the bay.

Q. It is your belief that Americans catch many bass in New Brunswick waters?—A. I could not say that. It is a new thought. I could not say so.

Q. It is rather your impression that they do not catch many bass?—A. It is rather my impression they catch some.

Q. A great many?—A. I don't say our people catch a great many.

Q. Do the Americans catch some trout?—A. Yes; some of your grandees, who have gone there and leased rivers, fish for trout.

Q. You don't understand they have a right to fish for trout?—A. No.

Q. How is it with smelt?—A. Smelts never come into our part of the country.

Q. How about lobsters and oysters?—A. We have plenty of lobsters, but the Americans don't take them.

Q. How about lobsters?—A. Americans came into our waters and built camps on our shores. Our fishermen did not like it, and the Americans left.

Q. They settled there, but not permanently?—A. Our people felt it was an infraction of the law.

Q. Then of the \$1,953,338.59, said to have been the total yield of the fisheries of New Brunswick in 1876, would there not have been a good deal more than half with which the Americans had nothing to do?—A. In 1871 Charlotte County's catch was fully more than the whole of the rest of the province put together.

Q. You have spokeu of the well-known fact that a majority of the men fishing in American vessels were foreigners, and more than one-half of British subjects?—A. I said from Cape Ann. I thought more than one-half the fishermen were or had been British subjects.

Q. When you talk of American fishermen, do you mean those from Gloucester?—A. From Trenton, Maine, your vessels are filled principally with Americans, but from Gloucester it is different.

Q. When did the large emigration of British subjects down to Eastport begin?—A. That has always been the case.

Q. Eastport has grown during the last twenty years?—A. It is almost composed of whitewashed Yankees.

Q. What is its population?—A. About 4,000.

Q. How large was it when the Reciprocity Treaty was in operation?—A. It has been finished some years. There has been about the same population for a number of years.

Q. Has it not grown for 25 or 30 years?—A. Very little.

Q. What portion of the fishermen of Eastport do you estimate to be British subjects to-day?—A. I could not give you an estimate. I find most I come in contact with have been British subjects.

Q. Have they beeu naturalized?—A. Most of them are naturalized, I think.

Q. How many years is it since British subjects ceased to move there?—A. I think they are moving all the time; and we get a good many of your people over to us. They move backwards and forwards.

Q. Is there a considerable salt trade carried on by your people with Americans?—A. Not so much as with the people on our own side.

Q. Is there a considerable trade; do not Americans buy salt from you?—A. I don't know that to be the case. There is no salt trade with Americans at Grand Manan.

Q. How long do you think the influence of dead fish which drop to the bottom will continue to affect the waters for fishing purposes?—A. I think it affects them till the fish are thoroughly decayed. It drives the fish from the ground.

Q. How long will that continue to affect the fishing ground?—A. I will give you an illustration. I know a good weiring. Just above is a fish establishment; they empty the pickle which runs into the sea, and it destroys the weirs.

Q. The fish establishment is on the shore?—A. Yes.

Q. That is hardly chargeable to Americans, and it is hardly an illustration of the effect of the throwing overboard of offal?—A. I did not make any charge against Americans.

Q. No one doubts you can contaminate water.—A. That is generally understood by the fishermen.

Q. But I want to know how long will the water remain contaminated by gurry being thrown into it?—A. I would require time to think over that.

Q. Do you think it would last one year?—A. I know the destruction of herring on the bottom will destroy fishing grounds entirely for herring.

Q. We are talking about offal being thrown overboard?—A. Herring on the bottom is gurry. We consider everything in the shape of fish dead in the sea as gurry.

Q. How long will it be before the effect of the offal disappears?—A. St. Andrew's Bay has been cleared out; there has scarcely been a herring there for two years. They caught great quantities of herring there previously.

Q. You attribute the disappearance of the herring to that cause?—A. Yes; and in former years also their disappearance from the south head of Grand Manan. For the last two years the fishermen have got no herring in St. Andrew's Bay. When they fished there two years ago almost every fish seemed to be filled with gurry, and it destroyed the fishing almost entirely.

Q. Do you consider that the influence of the gurry continues more than two years?—A. I said it was two years since we had taken the fish at that place. I think if that practice were prohibited there would be a great increase of fish at those grounds—the herring would gradually return.

Q. If you have a place as big as this room and the bottom is pretty well sprinkled over with gurry, how long will it keep the fish from coming back there?—A. It is not considered by our fishermen that it keeps the fish from coming back, but they swallow the backbone and other bones and are destroyed.

Q. They don't stay away?—A. They get sick and are destroyed.

By Mr. Thomson:

Q. The returns give \$1,953,388 as the value of the fish products of New Brunswick for 1876; is it possible that that conveys the whole value of the fisheries?—A. I believe it is one-sixth. It is not enough for Charlotte County. It is a pity the government have any reports at all.

Q. In regard to the returns you have made, you have said you were better paid than the other overseers?—A. I am not well paid, but I am better paid than the others.

Q. You have taken pains to make personal inquiry in making your returns?—A. Yes.

Q. They will underestimate the catch?—A. They are just like all other men.

Q. They are afraid of taxation?—A. Yes.

Q. As to the other overseers, from conversation you have had you say they really make no personal inquiries?—A. From my conversa-

tions, they do not. Mr. Lord, who is a truthful man, said he did not make personal inquiries except of one or two individuals. Each is anxious that his own parish should appear as low as possible; they put the amount as low as possible on account of taxation. We have been building large school-houses in Charlotte County to try and beat our neighbors.

Q. In regard to Overseer Cunningham, have you anything to say?—A. He is hermetically sealed all winter in a small gully called Bokobec.

Q. That is fifteen miles from St. Andrew's Bay?—A. Yes. He has \$50 a year. He could hardly see a vessel out in the offing from his place, and I think he has no boat to go out in. His place is inshore, inland.

Q. You have said that you have seen the report of Overseer Best, in which he says that the fishing was done in deep water?—A. Yes.

Q. You read it to the fishermen and they laughed at it?—A. They said it was a lie.

Q. You think he was figuring to get a cutter there?—A. There was a feeling that they would like a cutter there; they were after getting a revenue-cutter, and I think they need one; but they should not have taken that way to get it.

Q. You have been asked about the general increase in our fisheries; our fisheries have increased?—A. Yes.

Q. But you attribute the fact of the increase to increased protection?—A. I think that.

Q. There have been during the last ten years strenuous efforts made by the Dominion Government to protect the fisheries?—A. Yes, and they have had a most excellent servant there to do it; that is myself.

Q. There has been a good deal of expense in connection with it?—A. Yes.

Q. And the Americans get the benefit of that?—A. Certainly they do.

Q. They get an increased quantity of fish and don't pay a dollar?—A. The protection of our trout and salmon in our rivers and the fact of our fish breeding must induce the fish to come in for food.

Q. Trout and salmon are protected equally?—A. Yes.

Q. And there are large fish-breeding establishments for salmon at different places?—A. Yes.

Q. The more young fry there are in the rivers the more the sea fish are attracted in?—A. Yes; we consider it is so. Fish are after something to eat the same as men are.

Q. Do the vessels fishing for herring in winter around the islands and mainland of New Brunswick fish only for herring?—A. They fish for herring and cod.

Q. Cod-fishing within the limits?—A. Yes. There is no bay fishing in the Bay of Fundy in winter. The Bank fishery ends about this time in the bay.

Q. They don't go into the Gulf of Saint Lawrence?—A. I never knew them to do so; but they are large enough.

Q. But they don't go?—A. Not to my knowledge. Those on our coast don't go; there is only one banker, the Thurlow, of Grand Manan.

Q. The vessels are kept fishing entirely in the Bay of Fundy?—A. Yes. When they leave our coast they go to Nova Scotia to fish.

Q. Is it so with American vessels also?—A. Yes. I know last year our people went over to Nova Scotia to fish and American vessels came from Eastport and Lubec to Grand Manan, and they did much better

than we did. Our people missed it by going out of their own waters. This was last year.

Q. You don't attribute the increase of the fisheries for the last eight or ten years to anything else but protection; you don't attribute it to the benign influence of American fishermen on the fisheries?—A. I think not. That is something new to me.

Q. Nothing of that sort?—A. No.

Q. Has the halibut fishing diminished?—A. Yes; it has diminished in the whole Bay of Fundy.

Q. To what do you attribute it?—A. To trawl fishing. Haddock has increased.

Q. Haddock happen to be fish that cannot be taken by trawls?—A. They can be taken by trawls; but the halibut is a natural enemy to the haddock, and as they kill the halibut so the haddock increase. Whether that theory is correct or not I don't know.

Q. Notwithstanding anything that has been read to you out of the reports, you still adhere to the opinion that at the islands alone \$1,000,000 worth of fish is taken every year?—A. Yes, I am convinced of it.

Q. And about half a million on the mainland?—A. I think that would be an underestimate.

Q. That is, taken, I understand, by Americans alone?—A. I think they take equal if not more than our people. The Americans have better appliances.

Q. You say that is an underestimate?—A. I consider it to be an underestimate.

Q. You value your opinion as highly as the returns of those overseers who have been referred to?—A. Considerably higher.

Q. Do not Canadian fishermen, notwithstanding the treaty, when they take fish over to Eastport or other American ports, have to pay a fee of 60 cents?—A. I heard our fishermen say there is 60 cents levied each time they enter; that most of them evade it; but I know one load was seized. They violate the law every time they go to an American port if they do not pay it.

Q. Do American fishermen pay the fee?—A. I think not.

Q. Only British fishermen?—A. American vessels don't have to pay it. I remember one case in which a boat was seized. The fish belonged to Mr. Langford, of Massachusetts, who had bought them from a British subject at Grand Manan. He did not go to the custom-house and they were seized.

Q. Was that fee exacted during the Reciprocity Treaty?—A. Our fishermen say not; I could not say.

By Mr. Foster:

Q. You estimated the population of Grand Manan at 2,000, I think?—A. Yes.

Q. How many are actually engaged in fishing?—A. 435, I think.

Q. So you estimate that those 435 take \$2,000 worth of fish each year?—A. Yes.

Q. You are satisfied you are correct?—A. Yes; they don't make that much money. I think the number of men is 435. There is quite a number of boys engaged, but they are not down. We just take the able-bodied men.

Q. Explain the system of taxation; for what are the fishermen taxed?—A. They are generally property-owners, and they are taxed for county and parish purposes.

Q. On what?—A. They are taxed on their real estate and personal property.

Q. How are they taxed on personal property?—A. Our free school system is somewhat different from yours. With us, every parish is divided into districts. Grand Manan is divided into districts, and in one district the rate will be, perhaps, 1 cent, and in another one-quarter of a cent.

Q. For what is the fishermen taxed?—A. He is taxed on his house, boat, and personal property, and on his income, on his labor. We have county assessors, who go round and make up returns.

Q. If a man earns \$30 a month, is his income taken at \$360, and has he to pay a percentage on that?—A. Yes.

Q. Just the same as on property?—A. Yes.

Q. And if the same man has caught \$1,000 worth of fish, do you carry in that \$1,000?—A. That is personal property.

Q. In addition to his fishing boat?—A. Yes; last year they exempted fishermen with incomes of \$200, after they had made considerable complaint.

Q. Don't they exempt wages to that amount?—A. There is no one but a fisherman exempted.

Q. Is that because they are a poor class or why?—A. Our fishermen are almost all voters, and make considerable row. I think it was done because they are voters.

By Mr. Thomson:

Q. You say there are a lot of boys who do a large portion of the fishing?—A. Yes.

Q. What proportion of boys will there be to 435 men at Grand Manan?—A. I should think 150 boys; there might be more. Most of them are pretty smart fellows.

Q. That is about the proportion of boys on the other islands?—A. I think so.

By Hon. Mr. Kellogg:

Q. Will you state the distinction between fishing vessels and boats?—A. Vessels are decked.

Q. Small boats have masts?—A. A great many have, but they have not decks.

Q. When you spoke of your vessels going over to the Nova Scotia coast, and American vessels coming in, was it into the Bay of Fundy?—A. Yes.

Q. You spoke of the fish schooling there when you fished for them; do you mean any fish except herring?—A. In the fall of the year the cod are fished when schooling; they are seldom caught without schooling.

Q. Are they taken in nets?—A. They are taken with hooks; they school when coming inshore; they follow the herring.

By Mr. Thomson:

Q. The people of Grand Manan never fish in American waters?—A. No.

No. 32.

THURSDAY, August 23, 1877.

The conference met.

The Hon. THOMAS SAVAGE, merchant and ship-owner, and member of the legislative council of the Province of Quebec for the Gulf Divis-

ion, including the three counties of Gaspé, Bonaventure, and Rimouski, was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Thomson:

Q. Question. Where do you reside?—A. Answer. At Cape Cove, Gaspé.

Q. How long have you resided at Gaspé?—A. About fifty-three years; about fifty two years ago from last April I arrived in this country.

Q. How far are you from Gaspé Bay?—A. I suppose about 25 miles.

Q. Do you live to the north or the south of the Bay of Gaspé?—A. I live to the south of it.

Q. Then you reside between the Bays of Chaleurs and Gaspé?—A. Yes.

Q. How long have you been engaged in the fishing business?—A. I have been so doing business on my own account for these forty-five years; and previously I acted as clerk for my brother in the same business.

Q. You come from Jersey?—A. Yes.

Q. Are there large Jersey firms doing business in Gaspé?—A. Yes.

Q. What are their names?—A. There are Charles Robin & Co., Le Boutillier Bros., and the Collas Bros.; these are the largest firms; then there are Charles Le Boutillier, who was born in this country, and myself.

Q. What fishery do you chiefly prosecute?—A. The cod-fishery.

Q. I suppose you may say that you are entirely so engaged?—A. Yes; that is our money.

Q. How many boats do you employ in your own business?—A. I have 84 fishing for me.

Q. Eighty-four of your own?—A. Yes. I may call them my own; I furnish them with what they require.

Q. What would be the average value of these boats all round?—A. The value of a boat newly rigged is £30; but of course all of them are not now worth that sum. I suppose that their value all round would be about £20.

Q. As they stand now?—A. Yes; counting the old with the new, they would be worth from £20 to £22 10s.

Q. That is equal to between \$80 and \$90?—A. Yes.

Q. Those boats fish for cod exclusively?—A. Yes.

Q. Within three miles of the shore, or farther out?—A. Some go farther out; but to the best of my knowledge, nine-tenths of the cod caught on our coast are taken within three miles of the shores, and the remaining one-tenth on the Banks.

Q. Banks Orphan and Bradley?—A. Yes.

Q. Including the catch on Banks Orphan and Bradley, nine-tenths of the whole fishery there is done inshore?—A. Yes.

Q. And the other one-tenth on these banks?—A. Yes.

Q. That has always been the case?—A. Yes, since I have had any knowledge of this fishery.

Q. Where are your fishing grounds?—A. All along the coast.

Q. Do you fish around and north of Cape Gaspé?—A. O, yes.

Q. Up the river?—A. Yes, as far as Cape Chate.

Q. Cape Chate on the southern is very nearly opposite Point Des Mouts on the northern side?—A. Yes.

Q. How many thousand quintals of cod do you cure a year?—A. I consider that the boats we have on the coast average each about 150 quintals for the whole year, including the summer and fall fishing.

Q. That would make 12,600 quintals—what do you do with these fish?—A. I send part to the Brazils, a couple of cargoes to the West Indies, and the remainder to the Mediterranean markets—Spain and Portugal. I send the large fish to Oporto.

Q. Do you ship fish to the United States?—A. I have never sent a fish there.

Q. Do you know of any one in your neighborhood who has done so?—A. I do not; I speak positively.

Q. And do all the other producers at Gaspé trade the same as you do?—A. Yes; to my knowledge they have never sent a codfish to the United States.

Q. They sent them to the Brazils and West Indies, to Spain and Portugal and other Mediterranean ports?—A. Yes; and to ports in the Adriatic.

Q. What are these codfish worth at Gaspé before they are shipped?—A. We value them at \$5 all round.

Q. A quintal?—A. Yes.

Q. About what would you say would be the whole export each year from Gaspé?—A. To the best of my opinion from 150,000 to 200,000.

By Mr. Dana:

Q. What?—A. Quintals.

By Mr. Thomson:

Q. Would it be nearer 200,000 than 150,000?—A. It may be. I cannot say positively.

Q. 150,000 would be a low estimate?—A. It would be the least.

Q. And it might be 200,000?—A. Yes; I intended to take the different returns, but I forgot them.

Q. You yourself ship nearly 13,000 each year?—A. Yes.

Q. And you do a small business compared with Robin & Co. and the Le Boutilliers and others?—A. O, yes; they are companies and I am alone.

Q. I believe that all you Jersey gentlemen rather encourage the cod-fishery and discourage fishing for mackerel?—A. Yes; we would very well like to fish for mackerel also, but the Americans do not give us a chance to do so. As soon as these fish strike our coast the Americans are there and pick them up; and they will not allow our fishermen even to get mackerel for bait.

Q. Will you explain this matter to the Commission?—A. You see that, owing to the Americans fishing for mackerel on our coast, our fishermen cannot even get bait, because mackerel make good bait for cod-fishing.

Q. Is it the bait you generally use for them?—A. Yes; during the summer; but the Americans take the bait from us. I consider that, if the Americans did not do so, our fishermen would catch one-quarter as many more fish than they now do.

Q. Their coming there depreciates your catch of cod to the extent of one-quarter?—A. Yes.

Q. At what time do the Americans come for mackerel?—A. This does not occur at the same period every season. They sometimes arrive in July or in August, or in September. They come during these three months of the year.

Q. Have you seen them come on your coast in great numbers?—A. Yes. I have seen them so thick from my own place, that one could not count them.

Q. How long ago was that?—A. It was during the Reciprocity Treaty.

Q. Between 1854 and 1866?—A. Yes.

Q. How many would you estimate that you saw there?—A. I could not say exactly; it would be from 150 to 200.

Q. In sight of your own door?—A. Yes.

Q. All fishing for mackerel?—A. Yes.

Q. And all fishing within three miles of the shore?—A. Yes.

Q. Is this a great place for mackerel fishing?—A. Yes, some years.

Q. Did you see many American vessels there last year?—A. I was not much at home last year. I had to go to Quebec and see after the repair of a vessel, and then I went to Europe.

Q. Are they coming there this year?—A. The mackerel were coming in when I left.

Q. Then I suppose that the mackerel fleet have not, as yet, come into your part of the country?—A. They had not made their appearance when I left.

Q. It is hardly early enough for them yet?—A. Yes, or the mackerel are late.

Q. They follow the mackerel up there?—A. They do.

Q. Do the Americans fish to any extent for cod, along your shore?—A. Not within the three-mile limit, because our fish are too small for them. They fish on the Banks, but if they did not come on shore for bait, they could not fish much on the Banks.

Q. What do they get for bait on your shore?—A. Herring in the spring, and caplin.

Q. You have caplin on your shore?—A. Yes.

Q. In large numbers?—A. Yes.

Q. Is it a good cod bait?—A. O, yes.

Q. They come in for them in the spring?—A. Yes.

Q. And for herring?—A. Yes.

Q. Without that they could not fish even on the Banks?—A. No; they would then have no chance.

Q. Can they use salt bait?—A. I do not know.

Q. What do your fishermen say about that?—A. They say that the Americans, when they have no fresh bait, cannot get fish among them.

Q. The Americans, having salt bait, cannot compete with your fishermen, having fresh bait?—A. No.

Q. And so they have to come in for fresh bait to your shore?—A. Yes; and sometimes they get it on the Bank.

Q. Do you allude to Bradley, Orphan, and Green Banks?—A. I refer mostly to Orphan Bank.

Q. You do not think much of Bradley or Green Bank?—A. Green Bank is to the northward.

Q. When you speak of the Bank where they get bait you mean Orphan Bank?—A. Yes.

Q. Do many of the Americans come in for bait?—A. A good many do.

Q. Can you estimate how many do so in the course of the season?—A. I could not.

Q. They have come since 1871 chiefly?—A. Yes; since 1872, I think.

Q. Have they come in greater or less numbers each year?—A. Their number is about the same each year.

Q. Can you not give me an approximate number?—A. No.

Q. Do they come and fish for bait themselves, or do they buy it?—A.

I never sold any to them, but I have seen them catch it themselves, or, rather, set their nets to do so, among our fishermen.

Q. On the shore?—A. Yes. I would not sell them bait.

Q. They come in and fish for themselves?—A. Yes.

Q. Do they seine for it on the shore?—A. They do.

Q. Do they draw their seines on shore?—A. Yes. They do as we do.

Q. They land the fish on shore, and draw the seine to the shore?—A.

Yes.

Q. They do not seine from their vessels?—A. O, no.

Q. And they could not, in your judgment, prosecute the cod-fishery without this privilege of coming in for bait?—A. They would do very little at cod-fishing otherwise.

Q. Before the Reciprocity Treaty, did they come in and take it for themselves?—A. Of course; and largely.

Q. Did they previous to the Reciprocity Treaty come and seine on the shore?—A. A good many did; and they also then fished for mackerel within a mile of the shore. They would also watch the movements of La Canadienne, and come inshore as soon as she passed.

Q. La Canadienne was one of the cutters?—A. Yes.

Q. As soon as she passed, they would come in?—A. Yes; and fish for mackerel.

Q. In great numbers?—A. Yes.

Q. Do you know anything about the fishing on Bay Chaleurs?—A. No; I do not. I have been told that a great many vessels come and fish there for mackerel, but I never saw them. I do not go there.

Q. Of late years the mode of fishing by trawling has been introduced?—A. O, yes; and far too much.

Q. Within what time has it been introduced?—A. It is a good many years since; it was introduced by the Americans, and more recently it has been used by our boats.

Q. Your boats have been driven to the same kind of fishing?—A. They had to do so; or otherwise they could not fish.

Q. When did your boats have to commence trawl fishing?—A. About 15 years ago.

Q. Has trawl fishing increased since?—A. O, yes; and it does a great deal of harm; I think that it injures the fishery.

Q. In what way?—A. I think that they thus take more small fish than they do with the line.

Q. Do they kill other fish as well?—A. No. They take cod and mackerel, and halibut very seldom. Some Americans have themselves told me that although they trawl—this was before our boats did so—they knew that it was not a good or proper way to fish; that it had destroyed the fishing in their own waters, and that in several more years they would thus destroy the fishery in our waters.

Q. Does this statement agree with your opinion?—A. Yes; and our people would be very glad to drop this system, and they would do so if the two governments would agree on that point.

Q. Your people would be very glad to drop it if the Americans would do so?—A. Yes.

Q. Have the Americans to your knowledge been in the habit of throwing gurry or offal overboard from their vessels on the fishing grounds?—A. Yes; they do. They do not bring it on shore.

Q. What is the effect of this practice on the fishing grounds?—A. The general opinion condemns the practice; and very many say that it injures the fishing. Of course, I have not been to the bottom to see whether this is the case. They have thrown offal among our boats, and

as our boats have to fish in these places, we find that the fishing there is not so good after it is done as it was previously—so I think that it must hurt the fishing.

Q. Have you ever found any of this offal in fish caught?—A. No.

Q. You think, then, that they either do not eat it or else that it kills them?—A. That is my opinion.

Q. And it is the opinion of the majority of the fishermen in Gaspé that it is a bad practice?—A. Yes; they think that it hurts the fishing.

Q. What do the Americans themselves say about it?—A. I never talked to them respecting this point.

Q. Do you know what quantity of fish the Americans take each along your coast?—A. I could not say. The fishermen who fish themselves know.

Q. You are not yourself at all interested in the mackerel business?—A. No.

Q. The fish caught inshore are too small for the Americans?—A. Yes.

Q. They want large fish for their market?—A. Yes.

Q. What do they do with the small fish which they catch on Orphan Bank?—A. I have been told by my fishermen and others that they throw them overboard.

Q. They trawl on the Banks?—A. They have large trawls and when they catch small fish they unhook them and throw them overboard.

Q. Being caught in the trawl kills them?—A. Yes.

Q. This is the trouble with trawl-fishing, that it kills the fish?—A. Yes.

Q. And then they throw them overboard?—A. Yes; sometimes when on shore, they give them to our people in exchange for anything they may want. They say that the small fish are of no use to them.

Q. In their market?—A. Yes.

Q. And they trawl only to catch the large fish?—A. Yes.

Q. And they catch mother fish and all?—A. They do catch the mother fish; the small ones they catch they heave overboard.

Q. This is destructive to the fisheries?—A. Yes.

Q. You have no trade at all with the United States?—A. No.

Q. And none of your fishing-vessels (British vessels) go to the States at all?—A. I do not know of any that do so.

Q. Is the privilege of fishing on the American coast, obtained by the Washington Treaty, of any advantage to you? Do you know of anybody who avails himself of it?—A. It is not worth a pin to us.

Q. As far as this treaty is concerned you would rather be without it?—A. Yes.

Q. Do you derive any benefit at all in your part of the country from this Washington Treaty, which permits the Americans to come and fish in your waters?—A. No.

Q. Are you quite willing to give it up?—A. O, yes; we would be glad to do so.

Q. You would be glad to keep your own fishery and let the Americans stick to theirs?—A. Yes.

Q. You have no trade in fact with the Americans at all?—A. No.

Q. The Americans just come in and take your fish and you obtain no corresponding advantage of which you are aware?—A. Yes.

By Mr. Dana :

Q. You are engaged only in buying and selling fish and procuring fish from other people?—A. I keep boats for fishing.

Q. You only hire men to fish?—A. Of course we hire men to do so, but the boats and the fish and everything are my own.

Q. Do you own the whole apparatus?—A. Yes.

Q. Hooks, lines, and seines?—A. The fishermen furnish the hooks and we the boats.

Q. Do you furnish all that belongs to the boat?—A. Yes.

Q. And what do you furnish that belongs to the fishing-gear?—A. The nets and the seines; the fishermen furnish the lines and the hooks.

Q. Who furnishes the trawls?—A. The fishermen.

Q. And all the hooks that are in them?—A. Yes. They buy them from us.

Q. Is it true that in Gaspé most of the boats are owned by the merchants?—A. A great many, but not all, are so owned.

Q. Are the most so owned?—A. I cannot say that this is the case; I suppose that the proportion is about half and half.

Q. Do you make your bargains directly with the fishermen?—A. Yes.

Q. They come to you themselves?—A. Yes; they come to be hired in the fall, in order to secure provisions for the winter.

Q. The hiring begins in the autumn?—A. Yes.

Q. About what time?—A. In November.

Q. And when do they begin to fish?—A. As soon as they can in the spring. It is always commenced about the same date—some time in June.

Q. Then for about six months they are doing nothing with their boats?—A. Yes; they cannot do anything in winter.

Q. They are not obliged to work for you on shore?—A. No; we have men for that purpose.

Q. Other men?—A. Yes.

Q. They make their contracts in November in order to secure credit for what they want?—A. They do so to obtain credit, and to be sure of a place in the spring.

Q. Whenever you have so engaged your men you then credit and supply them?—A. Yes.

Q. With what?—A. Provisions.

Q. For their families?—A. Yes.

Q. And themselves?—A. Yes.

Q. You so credit them on the faith that they will catch fish for you in the spring and summer?—A. Yes.

Q. What difference do you make in the prices to them from the prices you would charge if they purchased for cash?—A. We have two prices, the cash price and the trade price. For instance, if a barrel of flour costs in Quebec \$6 we will sell it for cash for \$7, and if in trade we charge \$10. While, on the other hand, as we do this year, the cash price for fish is 16s. and the trade price 20s., so it all comes to the same thing.

Q. For the article you furnish them you charge \$3 on the \$7?—A. Yes; and we make a corresponding difference in the price of the fish.

Q. That makes about 43 per cent.?—A. I do not know exactly.

Q. Suppose a man, from no fault of his own, fails to come and work for you in the spring, does his winter's account stand charged against him?—A. Of course, but it is then very hard to collect. We count it lost under such circumstances.

Q. But it remains charged against him?—A. Yes. You are making me say what profit we make on a barrel of flour, which we sell in trade for \$10, and I want you at the same time to remember that we give for fish in trade 20s. and in cash only 15s.

Q. It remains on your books charged, and if such a man ever has money afterward, you would have a right to collect it?—A. Of course.

Q. Do you pay him more than the fish is worth in order to make up the difference?—A. We do sometimes.

Q. Do you agree to do so?—A. We agree to give so much a draught. We take their fish fresh from the knife.

Q. When he makes the bargain in November, you then agree how much you will give him beyond the real value of the fish?—A. No. The price given for the fish is generally settled in the spring.

Q. And is it agreed on beforehand what he is going to get for the whole season?—A. It is for the fish.

Q. Before he catches the fish?—A. The price per draught is settled. I refer to dried fish.

Q. When the man hires himself, do you then agree with him as to the price he shall receive for his fish?—A. We generally put the price we will pay at the price which has prevailed that year, and if the markets become good, we sometimes allow them more. As we did this year, we pay for the fish 11s. 6d.; when the agreement is made, it will be made at that price per draught, when the fish have been just split and before they are salted.

Q. When do you make that agreement?—A. In the fall; and then we promise that if the fish become dearer—if dried fish rise in price, we will allow him more, in proportion to the advance.

Q. What is the 11s. 6d. for?—A. For a draught of fish when split and before being salted. We give 11s. 6d. for two quintals, and it takes three quintals of green to make one quintal of dried fish.

Q. After they are split they are weighed?—A. And after they are weighed they are salted.

Q. Is 11s. 6d. the average market price?—A. Yes; of the markets all over.

Q. It is 11s. 6d. this year?—A. Yes; last year it was 13s. 6d.

Q. Who fixes that price?—A. It is generally fixed by the big firms.

Q. And they supply the price when the agreement you mention is made?—A. Yes; that is the way in which I engage my men, and I think that the rest do the same.

Q. What was the average price per quintal for dried fish, last year and during the past few years?—A. We have allowed 16s. for the small fish, and 17s. for the large fish; and in trade for the same fish 20s. and 21s. respectively.

Q. For dried fish?—A. Yes. I may say \$3.25 for the small, and \$3.40 for the large fish.

Q. Of whom do you buy the dried fish?—A. From the men who have the boats.

Q. The planters?—A. Yes; and from the men who have boats.

Q. And you pay them the market price?—A. Yes.

Q. Who fixes the market price?—A. The principal merchants.

Q. Do they fix the market price for dried fish as well?—A. Yes; they act in the same way as do grain merchants with regard to grain. If the inhabitants do not wish to take it, they bring their grain to market, and the same thing is done with us.

Q. The cash price is 16s. and 17s. How much do you give in trade?—A. 20s. and 21s.

Q. Do these planters sell to you? Do they get indebted to you, and do you give them credit, or is the business between you and them done in cash?—A. A good deal is done in cash, and some is in credit. This is like a good many trades; it is not always flourishing.

Q. Except with regard to the merchants—*they* flourish!—A. Some may say so; but it was not very flourishing last year for a good many of us.

Q. How have you found the business within the last two or three years?—A. Last year many thousands of fair dollars were lost in the business.

Q. How was it lost?—A. By bad markets.

Q. Was there a good supply of fish?—A. The fish were not over supplied, but the markets were too depressed.

Q. What brought the markets down?—A. I may say that one cargo of our fish was sold in the Mediterranean for 12s. a quintal to cover the cost for freight and expenses. From this you may judge how bad the markets were.

Q. That was an abandonment of cargo—such always go low, but you would not say that when a cargo is abandoned to pay expenses, this is a test of the market price?—A. Of course not, but generally speaking the markets are bad this year.

Q. Do you not find that the more markets there are, the better prices are?—A. The more markets the better by a good deal.

Q. Now the American market is a vast market with its forty millions of people stretching all over the continent?—A. Yes.

Q. And the American people consume a good many fish?—A. Yes.

Q. Do you not think that this tends to keep up the price?—A. Not for our fish.

Q. What is the matter with your fish; I thought they were the best in the world?—A. Our fish are the best but the Americans will not have them. They find our fish too hard for them.

Q. The fish are dried too hard?—A. Yes.

Q. But you do not adapt your fish for their market—you dry them for the European markets?—A. We dry them for hot climates.

Q. You have to dry your fish especially for that market?—A. Yes, our fish would not stand the climates, if they were not so dried. We are obliged to do it.

Q. And the Americans are accustomed to slightly salted and dried fish?—A. They salt their fish very heavily.

Q. But they do not dry them so much as you do?—A. No.

Q. You have not adapted your fish to the requirements of the American market?—A. No.

Q. Why do you not try the experiment?—A. For fear of losing too much money.

Q. You have made up your mind that this treaty shall be of no benefit to you anyhow. Why do you not try to take advantage of the American market, now that it and forty millions of mouths are open to you?—A. I would if I could get you to repay me the loss I would sustain.

Q. How do you know that you would lose anything—you say that your fish are the best in the world?—A. They are too hard for the American market.

Q. Why do you not make them less hard?—A. They then would not keep. We do not salt them like the Americans.

Q. Other people prepare their fish for the American market?—A. This is not the case on our coast.

Q. But they do in other places?—A. I do not know of any place where this is done.

Q. Where do the Americans in the Valley of the Mississippi, &c., get their fish?—A. They fish for themselves.

Q. They do not find cod and mackerel in the Mississippi and Ohio and Missouri Rivers, do they?—A. I could not say.

Q. Have you made any inquiries in this relation?—A. No.

Q. Do you think you have acted prudently in coming here and saying that this treaty and the American market are of no use to you, when you not only have made no attempt to take advantage of this market, but also have made no inquiry about it?—A. I made inquiry about the price our fish would bring there, because our fish are very good and command a good price, and I was told that this was not the kind of fish the Americans wanted.

Q. Did you think the reason why you could not get a good price for your fish there was because they could catch cod and mackerel in the Mississippi and Missouri Rivers?—A. No.

Q. Did you not know perfectly well, that they could not catch cod and mackerel, haddock and hake in these rivers to the westward, where none other than fresh-water fish are taken?—A. Yes.

Q. That being the case, why have you not tried to prepare your fish in such a way as to make them suitable for the American market?—A. It would be too risky.

Q. You have made up your mind that you will not do it?—A. We have not tried it.

Q. You have a hold on the European and West Indian markets?—A. Yes; and on the Brazilian market.

Q. And you have houses there with whom you correspond, and you understand that business?—A. If we thought that we could make a profit by selling our fish in the States, we would go to work and do so; but we would not make any money at it.

Q. And you have not tried to do so?—A. No. I have been told that one person made the experiment once, and lost money.

Q. What did he send there?—A. Dried codfish.

Q. Dried in your way?—A. Yes. I am not saying whether the report is true or not.

Q. Did you ever know of an attempt being made here to send to the United States any fish dried in the way in which the Americans dry them for the American market?—A. Yes, I am told that it was done, and that money was lost at it.

Q. Have you ever known of an instance of a person in the Dominion who has tried to dry his fish and prepare them for the American market in the way in which they are prepared by the Americans themselves?—A. I do not know the way in which they dry the fish.

Q. The American fish are less dried than yours?—A. I cannot say. I never saw their fish after they were cured.

Q. Did you ever know of a case in the Dominion who tried to prepare his fish in the way in which it is said they prepare them, in being less dried, for the American market?—A. No; I never heard of any such case.

Q. What were the best fishing spots in the Gaspé district—say in 1871 and 1872—for codfish?—A. I do not recollect. We consider the fishing places good from Saint Peters to Newport.

Q. And at Saint Anne and Point des Monts?—A. There is good fishing there.

Q. And also at Cape Chatte?—A. Yes.

Q. These fishing grounds utterly failed a year or two afterwards?—A. They are not the same every year. Sometimes they are very good; and at other times the catch may not be quite so great.

Q. To what do you attribute that?—A. I suppose that the fishing depends on the course which the fish take.

Q. The fish will not go to Gaspé sometimes?—A. Sometimes they will not go to one place but to another.

Q. You have known cases where bait, which has been abundant one year in one place, has altogether failed there the year following?—A. During the 50 years I have been there I have not seen much difference in the supply of bait. There is just as much now as there was some 50 years ago, except with regard to mackerel, when the Americans come and drag it from us. Formerly they did not do so, and then mackerel were a little more plentiful; as for herring and other bait, they are just about as abundant as they were 40 or 50 years ago.

Q. The Commissioner of Fisheries in his report for 1874, says that "bait which has been abundant at Perce, until August, failed all at once, and with the want of bait the fish disappeared." Do you remember that?—A. Well, no; this is on account of not having mackerel on the coast. They used to bait in August with mackerel.

Q. Are they abundant up to a certain time, and then do they all at once disappear utterly. Does that happen sometimes?—A. Yes.

Q. That cannot be owing to the fish; it is the bait which is in fault?—A. I think that the quantity of fish on the coast is about the same every year.

Q. Notwithstanding seining and trawling?—A. Bad weather and shortness of bait makes a difference.

Q. And sometimes the bait do disappear unaccountably?—A. Yes; owing to the bad weather.

Q. And nothing more?—A. It is due to the bad weather very commonly.

Q. Your coast and district of Gaspé used to be famous for mackerel?—A. Yes.

Q. Have there not been none to speak of there for some years?—A. They have not been there in their usual numbers; but I think they come there in abundance yet. They do not, however, stop very long on the coast.

Q. How long do they stay?—A. As long as the Americans do not take them from us.

Q. What did you mean when you said that they did not stay long on your coast?—A. That the Americans follow the schools.

Q. Which go ahead, the vessels or the fish?—A. The latter.

Q. During what years were the mackerel most scarce on your coast?—A. I could not say.

Q. Were they not scarce during the years 1874, 1875, and 1876?—A. I could not say.

Q. Were not those scarce years?—A. I have not stopped at home much during the past few years, during the mackerel season.

Q. Is it not true that very few American vessels were on the coast during these years, when the mackerel were scarce?—A. Of course, if the mackerel do not come the Americans cannot follow them.

Q. If a few Americans come and find that there are few fish, it gets known to the whole fleet pretty soon, does it not?—A. They well know where the mackerel are.

Q. And they do not come if the mackerel are few in number?—A. If there are no mackerel they will not come.

Q. A scarcity of the fish causes a scarcity of Americans?—A. Yes.

Q. And when the fish come in numbers they come?—A. Yes, and take them from us; and they fish within the three-mile limit, too.

Q. Is the halibut fishery carried on about your shores?—A. Not to speak of at my place.

Q. And not by your vessels?—A. No.

Q. But it is carried on by United States vessels all the way up?—A. I am told that they catch a good many up the River St. Lawrence along the shore; but we see very few of them down our way. We used to see them more plentifully than we do now. During the past few years we have seen very few of them.

Q. The writer of the fisheries report for 1875 says, "halibut is found in great abundance along the whole north coast." Is that true?—A. That is what I say.

Q. "And at Natashquan and Godbout as well as around Anticosti Island. It would undoubtedly be equally met with on the coasts of Gaspé, but nobody there fishes for it"?—A. I do not think they are very plentiful there now.

Q. A gentleman from your neighborhood came here a few days ago, and this question was put to him:

Q. Are many halibut taken, or have there been many caught, if the catch has decreased?—A. Such immense quantities have been caught, that vessels need to take as much as 30,000 and 40,000 pounds of this fish to the New York market at one time. I have seen numbers of vessels reported as having taken such a cargo.

Does that agree with your memory?—A. Did he say where they caught the halibut? A good many are taken on the north shore, and it is there where I understand most of the halibut are caught. I am told that immense quantities are taken there, as many as the fishermen wish to catch, but I was never there myself.

Q. So you know that this fish is very rare on your part of the coast?—A. They are very few near my place.

Q. Is it not true that petitions have been sent in by the fishermen to the legislature or fishery commissioners, or both, to have seining stopped?—A. It is not so, to my knowledge.

Q. As to the coast of Labrador, the commissioners say:

That, after careful investigation, it appears to us that the main cause of the injury may be removed without abolishing fishing by seines.

What do you know about this?—A. I have heard some talk about trying to abolish the use of seines, but I do not know whether such an attempt has been made.

Q. They recommend some regulations as to seining so as to prevent it interfering with the catch of the boats, but they do not agree that it is injurious and destructive with regard to the fisheries. Have you yourself made any inquiries concerning this matter?—A. No.

Q. And you yourself have not fished?—A. No.

Q. Have you read any reports, British or Canadian, or anything on the subject?—A. I do not remember having done so.

Q. Do you buy fish of the Americans who go in there with the fish?—A. No.

Q. Do they ever come to your coast and land and tranship their fish?—A. I have seen them land small fish.

Q. But not everything?—A. No.

Q. Do they ever exchange small fish on your shore for anything they may require?—A. Yes.

Q. The substance of what you have to say is this: That the mackerel fishing on your coast has very largely fallen off, and, it might be said, that two or three years ago they almost disappeared?—A. Two years ago this summer they were as plentiful as I ever saw them to be.

Q. Were they caught?—A. They did not stay very long.

Q. They were off very soon?—A. Yes.

Q. It is true that the catch of mackerel off your shores for a few years past has been reduced to almost nothing, is it not?—A. I say that two years ago there was a very good year; it was as good as I ever saw. My people told me that from 40 to 50 barrels were taken in one haul of the seine, and that, if sufficiently provided, they could have seined 500 barrels at a time. The fish were very plentiful, but last year they were very scarce. When I left home they were only coming in, and so I do not know how it is this year.

Q. Were they not very scarce three years ago?—A. I do not know, but they were not very plentiful last year.

Q. Then you say that there are not many halibut caught there?—A. Yes, as regards my neighborhood that is true.

Q. Or within three miles of the shore?—A. No.

Q. And you say that the Americans who fish for cod, fish on the Banks?—A. They do, most of the time.

Q. In the deep sea?—A. They have to come on shore for bait.

Q. They go ashore for fresh bait. Who sells them the bait?—A. I do not know. I never sold it, but some have. They will set their nets for it.

Q. But if they can get it without catching it, time is important to them. They will buy it if they can, will they not?—A. They will buy it.

Q. Have your people gone much into that trade of selling bait to the Americans?—A. No, they keep their bait for themselves.

Q. They haven't more than they need?—A. Sometimes.

Q. Your fish are dried specially for certain markets that you have had a great control over, and where they yield the highest returns, and you have not tried to adapt yourselves to this new open market of the United States?—A. No, sir.

By Mr. Thomson:

Q. You say, or rather Mr. Dana says for you, that you haven't tried to adapt yourselves?

(Mr. Dana objects to its being said that he made the statement for the witness, and claims the right in cross-examination to put questions in the form used.)

A. I haven't tried; but I have been told by the Americans that our fish are too dry.

By Mr. Dana:

Q. You said you had never tried it?—A. I said we could not.

By Mr. Thomson:

Q. You do not mean the Commission to understand that you think there is a market in the United States, but that you won't try to adapt yourselves to it?—A. How is that?

Q. You didn't mean the Commission to understand that you believe there is a market for your fish, but you don't intend to try to adapt yourselves to it?—A. No; by what I have been told by the Americans it would be a loss to us. They have said to me, "your fish are too dry; they would not sell with us."

Q. Therefore you decline, if I understand aright, to furnish cheap fish to these forty millions of whom Mr. Dana speaks? You do not think it any part of your business to furnish cheap fish to the Americans at your own expense?—A. No.

Q. And that is the reason why you do not go into the trade, is it not?—A. Yes.

Q. You have got markets elsewhere; in the West Indies, Brazil, and other places?—A. Yes.

Q. You have made inquiries of the Americans, and they say you could not avail yourselves of their market?—A. They have told me several times that we were drying our fish too much, and that they would not sell there.

Q. In reference to that trade, there is no determination on the part of yourself or of any of your people not to trade? You would be willing enough if you could make money by it?—A. We would be very glad.

Q. You could easily find agents in the United States if you would pay them?—A. Yes; we would be very glad to trade if it would pay.

Q. In reference to those small fish that the Americans bring ashore, they would have to throw them over otherwise?—A. Yes, they told me that themselves.

Q. Therefore the privilege of the market is theirs?—A. Yes.

Q. That is a privilege which the Americans have, and it is no privilege to your people?—A. No.

Q. It is to the Americans?—A. Yes.

Q. Now, were the mackerel two years ago as plenty as ever you saw them?—A. They were plenty.

Q. You have been asked with reference to the cod-fishing from Point Chatte or Cape Chatte down to Cape Gaspé, I think. Do you say that that has fallen off of late years?—A. No; there is more caught than there was forty years ago.

Q. All within three miles?—A. Yes, except one-tenth that are caught on the Banks.

Q. That is off Gaspé?—A. Yes.

Q. But Cape de Chatte is along the bank of the river?—A. Yes. I don't think they have any Banks there to go fishing on.

Q. And there is no fishing out in the river beyond three miles?—A. It is too deep.

Q. You say the fishing is as good there now as it was forty years ago?—A. There is more fish caught.

Q. Has not the halibut been fished out?—A. It has never been a very great place, my place, for the halibut.

Q. That was more upon the north shore?—A. Yes.

Q. About Seven Islands and up there?—A. Yes.

Q. And north of Anticosti?—A. Yes.

Q. Have you ever heard from your own agents in the West Indies, and your other markets, whether the Americans have competed there with you?—A. I have never inquired.

Q. And you say that your bait is as plenty as it was twenty years ago, with the exception of the mackerel which the Americans coaxed out?—A. Yes.

Q. And your people want all the bait that is there?—A. Yes; some days they will have more than they want, but another day they will be short. They could keep it a few days.

Q. Do I understand you that the bait the Americans take away is a dead loss?—A. It is a dead loss to us, of course.

Q. You put it down at a loss of one-quarter of your catch?—A. I say that we would catch one-quarter more fish than we do if the bait was not interfered with.

Q. You were examined in reference to the price you pay the fishermen

in money or produce for their catch. You buy a barrel of flour for \$6 and sell it for \$7 in cash, where if you sold it for fish you would charge \$10?—A. Yes.

Q. But if I understand you, you allow a corresponding increase in the price of the fish?—A. I said that the flour we would sell at \$7 would be for fish at 16 shillings. Selling it for \$10 in trade would be for fish at 20 shillings.

Q. Didn't you make use of the expression that it would be the same thing?—A. It comes to the same thing.

By Mr. Dana:

Q. But credit is one thing and paying by way of trade is another, is it not?—A. Yes.

Q. They pay you those debts in trade, don't they?—A. Yes.

Q. In fish?—A. Yes.

Q. Well, when they pay in fish you allow them less than if they paid in cash?—A. Yes.

Q. I think you said to us 25 per cent. was the difference?—A. Yes.

Q. That is the difference between cash and fish?—A. Yes.

Q. The price which they are to get for their fish is arranged by the great houses six months beforehand?—A. Yes. That is not for dried fish.

Q. No; I know that is another class of men, the planters. But the price you charge them on credit remains on your books and has to be paid?—A. Yes; that has to be paid.

By Sir Alexander Galt:

Q. You give credit in the fall of the year, and when that debt is paid to you, do you credit the amount to those parties at the cash price of the fish, or at the credit price?—A. The credit price—we allow them 20 shillings.

By Mr. Thomson:

Q. Whereas if you gave them cash, you would only give them 16 shillings?—A. It would be 16 shillings instead of 20.

By Mr. Foster:

Q. I would like to ask you whether your fishermen ever sold fish to the Americans?—A. No, not to my knowledge.

Q. Or to anybody except the Jersey houses, as they are called?—A. Well, not to my knowledge.

Q. Your house is one of those called Jersey houses?—A. I suppose so. I have been twenty years without returning.

Q. Well, in speaking of the Jersey houses, that would include yours?—A. I don't know; I think I have been so long in the country that they call me a Canadian now.

### No. 33.

JAMES BAKER, of Cape Cove, in the district of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You live at Cape Cove—that is in the district of Gaspé!—Answer. Yes.

Q. That is along the coast between Cape Gaspé and Bay Chaleur somewhere?—A. Yes.

Q. How many years have you been acquainted with the fisheries on

that coast ?—A. I was born and brought up there, and I am 39 years of age.

Q. Well, since you have grown up, have you been acquainted with those fisheries ?—A. Yes ; from 1855 to 1866 I was a practical fisherman.

Q. And since 1866 ?—A. I have been trading.

Q. In fish ?—A. Yes.

Q. And carrying on fishing by boats, haven't you ?—A. Yes.

Q. You have boats of your own ?—A. Yes.

Q. What branch of the fishing do you chiefly pursue ?—A. The cod-fishing.

Q. How many boats have you of your own ?—A. Seven of my own.

Q. What size are those boats ?—A. From 24 to 26 feet in length, and from 8 to 9 feet beam.

Q. How many men to a boat ?—A. There are two men to each boat.

Q. These boats are engaged in the cod fishery ?—A. Yes.

Q. At what time of the year ?—A. From May to October—the latter part of October; sometimes in November.

Q. What would be the average catch of those boats ? You say you have 7.—A. Of my own boats, 150 quintals per season.

Q. Do you mean of green or dried fish ?—A. Dried cod.

Q. How many green ?—A. 336 pounds of green fish would make only 112 pounds of dry fish.

Q. Then it would take 450 quintals of green fish to make 150 quintals of dry fish ; that would be correct ?—A. That would be correct.

Q. Now tell the Commission where these fish are taken—how far from the shore ? Is it inshore fishing ?—A. The principal part is inshore ; inside of three miles from the land.

Q. Do you fish outside, too ?—A. Yes ; on Miscou Bank. That is, after the spring inshore fishing is done.

Q. What proportion of your codfish would be taken outside, and what proportion in ?—A. That is of my own boats ?

Q. Yes ; if there is any difference between that and the general average I will ask you about it afterwards.—A. I think my own boats would take about two-thirds inside and one-third outside on Miscou Bank.

Q. Will you distinguish between your own and other boats ? Where do the other boats take their catch ?—A. The principal part of our boats take about three-fourths, or more than that, inshore.

Q. They take more than three-fourths inshore ?—A. Yes.

Q. Well, do the Americans have any cod-fishing vessels ?—A. Yes ; I have seen, during my experience as a fisherman, as many as 40 schooners on Miscou Bank fishing.

Q. That is directly off your own coast ?—A. That is about 20 miles off.

Q. A small Bank, is it not ?—A. No ; a very large Bank.

Q. What size do you suppose it is ?—A. It runs about 50 miles east and west.

Q. What would be the average number of American schooners occupied with Bank fishing alone ?—A. I have seen as many as 40 schooners during my experience fishing on that Bank.

Q. How do they fish ?—A. Principally with trawls.

Q. Where do they get bait ?—A. Well, they bring some salt bait with them to the Banks, but they principally get it in around our shores.

Q. Do you say that these American cod-fishers that fish off Miscou Bank bring some bait, and that they fish with trawls ?—A. Yes.

Q. Do they require fresh bait, or can they use salt bait with the trawls ?—A. They require fresh bait.

Q. Where do they get their fresh bait?—A. They come in along our shores, at different places.

Q. Now, I want to know, do they catch this bait for themselves or do they buy it?—A. They principally catch it for themselves.

Q. Along your shores?—A. Yes; close inshore.

Q. What kind of bait do they catch?—A. Herring, squid, and mackerel, and caplin as well.

Q. They catch this bait for themselves, within three miles?—A. O, yes.

Q. Close in?—A. Some within half a mile, in many of the coves.

Q. Do they purchase much bait there too?—A. I have known them purchase some; not a great quantity.

Q. They generally catch for themselves?—A. Yes.

Q. Well, how did they manage to get bait the year the cutters were watching the coast?—A. They used to come in when the cutters were not there and take their bait and go away.

Q. They would catch out of view of the cutters?—A. Yes, whenever the cutters went out.

Q. Suppose they were not allowed to take bait, how could they carry on the cod fishery?—A. I do not see how they could carry it on profitably. They could not carry it on profitably if prevented from coming inshore for bait.

Q. Do you mean to say that it is absolutely essential to them to get this bait in order to carry it on?—A. I do.

Q. Can you give the Commission an idea of the total number of the codfish fleet engaged in the Gulf of St. Lawrence; you cannot see them all at one time, of course?—A. I should say 300 or 400. I have heard that there were as many as 200 at one time at one port on the north shore.

Q. You have known as many as 200 at one time at one port?—A. Yes, cod fishing.

Q. What do you call the north shore?—A. The north shore of the river St. Lawrence.

Q. Is the cod fishery pursued by the American fleet on that north shore?—A. Yes.

Q. To any extent?—A. They come there with schooners and go along the shore about there.

Q. On your shore where do they take the codfish, with reference to the land?—A. Half a mile from the shore, and less.

Q. Do they take any codfish beyond 3 miles from the land on the north shore?—A. Not that I am aware of; there are no banks along the river St. Lawrence.

Q. Then they are all taken within the limits on the north shore?—A. Yes.

Q. What would be the average catch of one of those American cod-fishing vessels? Take the average for the season; we want to get some average if we can.—A. It depends a good deal upon the schooner. But you want an average. That will depend upon different circumstances; I should say about 700 quintals of codfish.

Q. Dry or green?—A. Dry.

Q. Do you think that would be a fair average?—A. I think so. Some of the cod-fishermen make two trips. They go down the north shore early in the spring; then they come back on our Banks later in the summer.

Q. Taking those that make two trips together with the rest you average it at 700 quintals of dry cod?—A. Yes.

Q. Of course, in a green state it is very much more!—A. Yes.

Q. What extent of coast have you intimate knowledge of along there?—A. About 45 miles.

Q. Between what points?—A. Between Perce and Point Macquereau. I may not be quite correct about the distance.

Q. Is that near Gaspé?—A. No; that would be 40 miles from Gaspé Basin. Perce is about 40 miles from Gaspé Basin.

Q. Taking that catch you have named, how many boats are there engaged in the cod-fishery?—A. I have been making a calculation from Point St. Peter's—that is 12 miles more to the eastward—to Paspebiac, and I should say there are something like 1,100 boats belonging to the coast.

Q. That would be about 55 miles off coast?—A. Yes.

Q. And there would be about 1,100 boats?—A. Yes.

Q. Each manned by two men?—A. Yes.

Q. They catch within 3 miles of the coast?—A. Yes, principally within.

Q. Has the presence of the American fishermen, when they come in to take bait, an injurious effect upon the boat-fishing?—A. Very often they have. They anchor into the moorings where the fishermen put their nets; consequently, they can't set out their nets. That very often happens.

Q. I refer chiefly to their effect in the catching of bait. I understand you to say the American fishermen come in and catch bait along your shores; does that interfere with you?—A. Certainly, it takes a considerable quantity of bait away from us.

Q. Does it create any difficulty in your getting bait?—A. Well, very often.

Q. You have plenty?—A. Yes; in the herring season and squid season it is very plenty.

Q. As a general rule, have you sufficient bait along the coast?—A. Occasionally it slacks off.

Q. To any material extent?—A. Not any; sometimes for a week or so, and then it comes in again. I believe it depends principally upon the weather. When the weather is very warm it sinks to the bottom; if the wind blows a little off shore it rises.

Q. Taking the fishing season all round, you have a plentiful supply?—A. We have a fair supply, generally speaking.

Q. Now about the mackerel; you do not prosecute the mackerel fishing there to any very large extent?—A. Nothing more than for bait. The fishermen take them for bait for the cod-fishery.

Q. Taking the range of coast from Cape Chatte, on the south side of the river Saint Lawrence, around to and including the Bay Chaleurs, how far from the shore do the mackerel keep? That is, on the south shore of the Saint Lawrence, from Cape Chatte to Cape Gaspé, take first.—A. I do not understand you.

Q. I ask how far from the shore the mackerel are?—A. They follow along the shore, because there is no fish remains in the bed of the river. The current is too strong.

Q. Then from Cape Gaspé to Bay Chaleurs, and including Bay Chaleurs, they generally keep within the three-mile limit?—A. They keep within the bays and shores. They come right into the shore, great numbers of them, schooling along the shore. They keep close into the shore.

Q. Do the American mackerelers visit your coast in any large num-

bers!—A. Yes; I have seen the whole shore dotted with American schooners, as many as 200 schooners at one time along our shore.

Q. Taking the period when the Reciprocity Treaty was in force, when they had liberty to fish along the coasts, how many vessels frequented your coast—I am speaking of from Cape Gaspé to Bay Chaleurs, including Bay Chaleurs!—A. Well, of course, when I say that great numbers came, I mean that some days there would not be so many as others. One day there would be from 100 to 200, and the other day they might disappear and move away. I should say the average would be 300 or 400 of the fleet.

Q. That is the number that frequented this coast!—A. Yes.

Q. Do you know anything about the coast of Prince Edward Island or Cape Breton!—A. No.

Q. You are just speaking of that particular locality!—A. Yes.

Q. Well, after the Reciprocity Treaty expired, and the cutters came along, did the Americans continue to frequent the coast as much as before?—A. Not quite so much.

Q. But did they frequent the coast, although they fell off somewhat!—A. Yes.

Q. Within what distance did this American fleet get mackerel at that time?—A. They would get them along the shore as usual. They would run in when the cutters would not be there.

Q. How far from the shore would they get them?—A. It depends upon the cove they were in. Sometimes they would get them half a mile off, and sometimes from one and a half miles to two miles.

Q. Would they catch them outside of three miles?—A. Sometimes they would.

Q. What proportion? Have you conversed much with those Americans?—A. During the time I fished, I mixed a great deal with them and conversed a great deal with them.

Q. You were aboard their schooners a great deal?—A. Yes; I was very frequently on board.

Q. And you talked the whole fishery question over?—A. Yes; very often.

Q. You saw their catches?—A. Yes; I saw them taking the mackerel.

Q. From the information you got from them and the experience you have yourself, and from what you saw, what proportion of their catch would you say was taken within three miles? Is it all taken?—A. I fully believe the principal part is taken inside.

Q. That leaves it undefined. Give us an idea of the proportions.—A. I would say three-fourths was taken inside.

Q. The Banks Oliphant and Bradley are situated off that coast; they are fishing grounds?—A. Yes; they used to catch some there, but not in rough weather. In rough weather they would be obliged to come in.

Q. You put the proportion at three-fourths inside?—A. Yes.

Q. You have had a great number of years' experience?—A. Yes; eleven years.

Q. You were then in constant intercourse with the Americans?—A. Yes.

Q. Did you talk upon this very question of where the fish were taken?—A. Yes.

Q. Did they say that proportion was caught inside?—A. They admitted themselves, even when the cutters were on the coast, as long as they could get a few acres ahead of the cutter, they didn't care for them.

Q. Why not?—A. They could get away or sail around.

Q. If I understand your evidence, it is that from Cape Chatte to Cape Gaspé all the fish is taken within three miles, and that from Cape Gaspé down, and includng Bay Chaleurs, three-fourths are taken inside?—A. Yes.

Q. What time of the year do the mackerel come along?—A. About the beginnig of July.

Q. When do they leave?—A. I would say the latter part of September.

Q. That is three months they are on the coast?—A. Yes; and in October I have seen lots of mackerel on the coast, even then; that is three and a half months, depending upon the season a good deal.

Q. Then from your experience during this number of years, from what you saw when you visited the American vessels and from what you heard from the Americans themselves, at what would you place the average catch?—A. It greatly depends; some seem to be very successful where others are very unsuccessful.

Q. What is "very successful"?—A. Well, some get as much as 1,200 barrels in the season. They make two or three trips. Others are two or three months out, and get no more than 200 to 250 barrels.

Q. Are you able to give us a fair approximate estimate of the catch of the Americans during these years—the catch per season?—A. To the best of my judgment I think about 700 per schooner would be a fair average.

Q. Suppose they were prevented from fishing within three miles, would they be unable to prosecute the mackerel fishing with any success at all?—A. I think they would not be able to.

Q. Do you think they would attempt it?—A. They might, but they would not succeed. They would not come back.

Q. Now, go back to the codfish for a moment. Where do you sell your fish—that is, the fish taken by your seven boats?—A. I generally sell my fish to the exporters—those merchants who export—that is, the principal part of my fish. A part, secured in the fall, we send away to Quebec or Montreal.

Q. Where do these large exporters send them?—A. They send to Brazil and Mediterranean ports, the West Indies, Portugal, and all those places.

Q. Do they send any to the United States?—A. I have known a couple of cargoes to be sent there late in the fall. That was prepared green for the Canadian markets, and it was too late to send them. They went to Boston and proved a failure.

Q. What proved a failure?—A. The experiment proved a failure. The price they got did not pay to continue it.

Q. So that the trade runs in the channels you have mentioned?—A. Yes.

Q. You don't send to the United States because it does not pay?—A. No.

Q. Then you don't make a great deal out of this free American market?—A. No; it is no advantage to us.

Q. Do your foreign markets pay pretty well?—A. Yes; they pay very well.

Q. What do you pay the fishermen actually engaged in fishing per quintal for his fish?—A. That depends a great deal upon the season.

Q. Give us a rough idea, taking any season.—A. 13s. 6d. a draught.

Q. What is the price this year?—A. 11s. 6d. this year. Last year it was 15s.

Q. The average is what?—A. I would put the average at 13s. 6d. That is our trade-price.

Q. Do you now send any of your vessels down to fish on the American coast?—A. No. It would not pay us to send vessels there—to send them away from our own grounds.

Q. I think I understood you to say and to be quite emphatic upon the point that unless they could fish for this fresh bait along your shore they could not carry on the codfishery.—A. Not successfully, not to any advantage.

Q. What would they have to fish with? Can they trawl with salt bait?—A. They could do nothing—no.

Q. And, as a matter of fact, are the Commission to understand from you that they take large quantities of bait along your shores?—A. Yes, at times.

Q. How do they catch that? In seines?—A. They come and set their nets for herring, they jig for squid, and they bob for mackerel.

Q. They bob for mackerel, and jig for squid, and set their nets for herring?—A. Yes.

By Mr. Foster:

Q. Your people have never been in the habit of catching mackerel for market, but only for bait?—A. Only for bait.

Q. When was that year when you saw as many as 200 American vessels at one time?—A. I am not able to give the exact year.

Q. Give us as near as you can.—A. I think it was 1856.

Q. What years were they when there was an average of 300 or 400 that frequented your coasts?—A. I think from 1855 to 1866.

Q. When did the number begin to fall off?—A. It appears to me the number began falling off then. I remained on shore after that, and did not observe them as much perhaps.

Q. You ceased to be a fisherman in 1866?—A. Yes.

Q. There was then a considerable number, but not so many as in former years?—A. No.

Q. Has your observation, although you have not been a fisherman, been sufficient to enable you to say that the number has very much fallen off within the last seven or eight years?—A. Yes; I say it has fallen off considerably.

Q. Well, you say considerably; has it not fallen off from 200 or 300 down to 50?—A. Not so much as that.

Q. Do you think there were 50 American mackerel-catchers on your shore last year?—A. I think so; yes.

Q. I would like to have you estimate the number that you think was there in 1876?—A. Of course that is including the whole shore?

Q. All you know of personally; all that are within those places where you have said there were 300 or 400.—A. I have not seen them in great numbers around my own place as I used to see them; but I should say, from information collected from others, that there would be at least from 75 to 100 along the shore last year.

Q. Do you think so?—A. I think so.

Q. Year before last?—A. There was about the same, I think.

Q. Take 1874, the year before that.—A. I should think there would be more.

Q. How many were there in 1874, do you think?—A. Perhaps there would be as high as 200.

Q. 1873?—A. Well, I don't really know.

Q. Well, I won't trouble you any more. You have given us now the

results of your own observation and information derived from others. Suppose you were asked how many American mackerel vessels you saw last year, what would you say?—A. We see them very often when we can't tell whether it is the same vessel we have seen before or not.

Q. You might see the same vessel a dozen times?—A. Yes.

Q. Don't they usually come in a fleet, and keep together pretty well?—A. Formerly they used to.

Q. Don't they now?—A. No; not in the same way.

Q. The fleet is broken up?—A. Yes.

Q. What years were these, during which you think the average catch was 700 barrels?—A. I should say during the 11 years I had experience among them.

Q. Down to 1866?—A. Yes.

Q. Don't you know from such observation as you have made, and from information you have had, that the average has been smaller than that of late years?—A. I have not had the same chance of conversing with the Americans since that.

Q. Then you would not, perhaps, like to hazard an opinion as to late years?—A. No.

Q. It was, when you knew it, an uncertain business? A lucky vessel would get 1,200 barrels, and an unlucky one only 200 or 300 in the course of the same season?—A. Yes.

Q. To what extent do your people catch mackerel for bait for the cod-fishery?—A. That depends principally upon what other bait they have. When they have plenty of herring they do not try much for mackerel. The herring is better. The herring, squid, and caplin are the chief bait. It is only when those are scarce and the mackerel are plentiful that they catch them for bait.

Q. They don't use a great many mackerel for codfish bait, do they?—A. Considerable.

Q. Well, give us some idea of what you mean by "considerable."—A. Well, it depends—some fishermen may catch 60 or 80 mackerel and then go out and use that up catching codfish.

Q. How many do you think, in an average season, one of your boats, with two men, would use for bait, besides their more favored bait?—A. It would be pretty hard to estimate the number of mackerel. It depends principally upon what other bait they have.

Q. I know it is hard, but you say "a considerable" is used, and as that does not convey any kind of an idea at all I wish you to say as well as you can.—A. Well, when they have no other bait—

Q. Do you think it would average a barrel of mackerel?—A. O, my, yes. Five or six to ten barrels, some of them.

Q. What do you think would be the average?—A. Five or six would be the average.

Q. At what time do they use this?—A. Principally in the months of July and August they take the mackerel for bait.

Q. You begin with herring?—A. Yes; we commence with herring, then caplin.

Q. Do the herring come in good abundance?—A. There is no trouble. We have never known any scarcity of herring bait for any length of time. Occasionally the bait gets scarce. As I have said, in warm weather it settles down to the bottom.

Q. As a rule, the herring bait would be abundant?—A. Yes.

Q. How do you get the herring?—A. In nets.

Q. How is it with squid?—A. We get that generally about the 1st August.

Q. How long does it last?—A. It is the last fish. It lasts until the latter part of October.

Q. Do they use squid altogether fresh?—A. Yes.

Q. They don't salt it?—A. No; they take it as they require.

Q. You spoke of the necessity of having fresh bait; does not that squid salted make a good bait?—A. It is very poor.

Q. The squid, you say, lasts until the end of the fishing season?—A. Yes.

Q. Now, I would like to know a little more about the course of your own codfish business. You have seven boats, each of which has two men, and makes an average catch, you say, of 150 quintals of dry fish?—A. Yes.

Q. Those 150 quintals of fish sell for \$3.40 a quintal?—A. Dried? It sold for a great deal more.

Q. What does it sell for?—A. It depends of course—

Q. Give me this year's prices.—A. It is 16 shillings this year; last year it was 20 shillings.

Q. I gave you the right price for this year then?—A. Yes.

Q. Last year it was 20 shillings?—A. Yes.

Q. You say you sell to the exporters; you mean to the Jersey houses, I suppose?—A. To Robins, Savage, and that class; to the one that gives me the highest price.

Q. Last year, was that an unlucky year for them, so that they lost money on the fish they bought from you?—A. Some of them say so.

Q. Don't you believe it?—A. I do to a certain extent. Their markets were very bad last year. Year before last the markets were very good; but last year they were very bad.

Q. What was the trouble? Was the market overstocked?—A. I believe it was.

Q. And you can't tell what it is going to be this year, I suppose?—A. It is pretty hard to say.

Q. But this year the price is \$3.40 a quintal?—A. Yes.

Q. And each man you employ will catch 75 quintals, or 150 quintals to a boat. How do you pay them?—A. So much a draught.

Q. How much a quintal do you pay them for dried fish?—A. I pay them the price you mention, 20s. a quintal in trade and 16s. in cash.

Q. Do you pay them the same price you get?—A. Of course, that is a matter of business.

Q. And you only get \$3.40 this year?—A. I expect to get more than that. That is the price I pay my men.

Q. Then the price paid by Savage to you is not the price which the plauters, as they call them, who own the boats, pay to the poor fishermen?—A. O, of course, those that are independent and can hold their fish up will do so to take advantage of good markets.

Q. The men get from you \$3.40?—A. Yes; that is, they get \$3.20 or 16s. cash.

Q. Is there anything charged to them for the boat?—A. Not with mine.

Q. You furnish the boat, what else?—A. The rigging.

Q. The hooks and lines?—A. No, they find them themselves, and they find the nets.

Q. You give them the boat and rigging and take all their catch and pay them \$3.20?—A. Yes; that is, I take them from them green. I give them 11s. 6d. a draught trade price.

Q. And you do the labor?—A. Yes. 11s. 6d. is the trade price, and when a man has it coming to him I deduct one-fifth.

Q. You keep a store yourself?—A. Yes.

Q. Do they generally keep in debt to you?—A. I try to keep them out of debt.

Q. Are they most indebted to you through the winter?—A. In the winter they are obliged to get advances.

Q. What else do they do besides catch fish for you. What other mode of living have they?—A. We generally employ them at farming.

Q. When?—A. When they have time and wish to work.

Q. They cannot earn money working on a farm in winter?—A. Well, they can cut wood and haul it.

Q. They fish from May to November. What do they do from November to May?—A. They cut wood and saw boards.

Q. Do your men work for you, too?—A. Yes, we generally employ our own men.

Q. How do you pay them?—A. In produce.

Q. How much do you pay them?—A. According as they work.

Q. Do you pay them by the quantity they cut?—A. Yes; fifty cents a cord generally for wood, cut to two and a half feet length. Some make \$1 a day and some 7s. 6d.

Q. How many cuts have they to make? It is not cutting trees?—A. No; I mean cutting wood into lengths of two and a half feet.

Q. Taking the tree as it falls and cutting it into lengths of two and a half feet?—A. Yes.

Q. Are there many that can earn \$1.50 a day through the winter?—A. It depends upon the man. There are not a great many can do as much as that. There are more that will cut only one cord.

Q. They would not average much over one cord?—A. No; one or one and a half.

Q. The average would be 75 cents?—A. Yes.

Q. They would get about \$2.50 in summer, would they not?—A. Some of them earn that much in the summer time.

Q. Has there not been considerable complaint of the monopoly of these Jersey merchants controlling prices, so that the fishermen don't have a fair chance?—A. There has been some complaint, but it depends principally upon the fishermen themselves.

Q. There are complaints by the fishermen?—A. Yes; but it depends upon themselves principally. Some of them depend too much on the credit system. So long as they can get credit they are satisfied, but when it comes to paying they are not so well satisfied then.

Q. So they have complained a good deal?—A. Yes.

Q. Away back for a series of years?—A. Yes.

Q. The complaint has been that these poor fishermen are in vassalage to the great fishing houses?—A. Yes.

Q. That the fishing houses fixed the price for the fish and for their goods in such a way that they keep them indebted, and that from one generation to another they have remained in debt and in vassalage?—A. Yes. It depends a great deal upon themselves.

Q. O, yes; there are slaves who earn their own freedom by working extra hours, but as a class they are in a very poor condition?—A. They are in a poor condition.

Q. And the public officers in their reports have made it a subject of comment year after year, haven't they?—A. Yes, some of them.

Q. You have read it yourself in the fishery reports?—A. Of course a great class of them are poor, but it is their own fault. A great many of them who have been poor have, by economy, become better off than those that were well to do.

Q. I suppose it is their own fault; it is the fault of man that sin came into the world and death. But this system you speak of has gone on from generation to generation?—A. Yes.

Q. There is no place that they can sell their fish except directly or indirectly to these exporters?—A. It is not very easy for them to do otherwise. In the fall they are bound to go to these exporters, or whoever employs them, and get advances for the winter; so it is nothing but fair to give them their earnings in the summer time.

Q. Last year business was dull. The markets were overstocked so that the Jersey houses lost money; they said so, and you believe it to be true?—A. Yes; some of them.

Q. Well, whether all the fish they sold in 1875 have been eaten or not you do not know, or whether there will be a good market or a bad one this year?—A. No; it is hard to tell.

Q. You do not, I suppose, think it possible that a more extensive market for such fish as you send to Montreal and Quebec could do your people any good?—A. I think not.

Q. You think it would not, under any circumstances, place the people in such a situation that they could get better prices?—A. I think not. We have had experience before of fish going into Boston, and it did not realize a sufficient price there.

Q. There were too many fish for sale?—A. We have better markets in our own provinces.

Q. But the price is kept low because there are too many fish?—A. Yes; I think it is overproduction.

Q. I suppose you never fished in vessels?—A. Never.

Q. Does not this question of boat-fishing and vessel-fishing come pretty much to this—that vessel-fishing is principally in deep water, and boat-fishing principally inshore?—A. O, no, no; I think not. It depends altogether upon the weather. If the weather is rough they can do nothing outside, and so they come inshore. They come to get shelter in our harbors and bays—the schooners do.

Q. That is, they did when they used to come in considerable numbers?—A. Yes.

By Mr. Dana:

Q. When a fisherman goes to the merchant who supplies him in the autumn he is supplied on credit?—A. Yes.

Q. Well, that credit differs from the cash price about 43 per cent., does it not?—A. The trade price.

Q. Well, a man goes in the autumn to be supplied by a merchant, the merchant is going to supply him and his family until he goes and catches fish and settles?—A. Yes.

Q. Now, the prices that are charged under these circumstances, where he is to pay by fishing next year—I don't refer to the ultimate result—but the price charged him on the articles sold him at the time is about 43 per cent. more than it would be if he paid down cash?—A. It is not so much as that; it is about 25 per cent.

Q. You are taking into consideration the way he pays in the summer?—A. No; I mean if he came with cash to purchase instead of purchasing on credit he would get things about 25 per cent. cheaper for cash than for trade.

Q. Take the case of flour. The last witness told us that flour could be bought for cash for \$7, and that he would charge \$10 to the person who took it on credit. The difference is between \$7 and \$10?—A. Yes; but what confounds the thing is the trade system; that confounds the thing and makes it appear higher.

Q. I know it appears higher at the start, but it begins at that rate. He buys flour at \$10 which, if he had the cash, he would have got for \$7.—A. Yes. Well, there would not be quite so much difference.

Q. Well, that is the way the last witness put it; that would be 43 per cent. Now, if he has made a catch of fish he can pay that, but he may not be able to pay for it, and what he does not pay for stands at that rate, \$10, and the merchant draws interest on it?—A. No; I do not think there is interest.

Q. Well, if he has bad luck it stands there as a debt?—A. Yes.

Q. Now, suppose he has luck enough to catch the fish to pay his debt; I understand that the merchant credits him with that fish, not at the cash price, but at a trade price. Now, when do they settle with the merchant—as fast as they come in, or at the close of the season?—A. As fast as they come in. Very often the fisherman settles his account every week.

Q. Now what would be the difference between what is called the trade price of fish and the cash price?—A. 20 per cent.

Q. I mean to ask you the difference between the credit price of fish when a man buys fish at the credit rate, and the cash price of fish?—A. I can hardly understand you. I do not know what is meant by the credit price of fish. He gets 20 per cent. more trade price than he would cash. For instance, if he has cash, as many fishermen have, he buys and sells for cash. A fisherman who buys his goods for cash, whenever he brings in his fish and lands them will get the cash price for them; that would be 9s. 3d. instead of 11s. 6d. Many of them have great advantages and by that means they pay their way, and it makes that difference.

Q. You think the difference between the cash paid for the fish and the trade price allowed is 20 per cent.?—A. Yes.

Q. That is half what he lost in the autumn in getting his supplies? You say that many of them buy for cash.—A. Yes.

Q. There are not many of them that are in a condition to do that?—A. Quite a number of them.

Q. Out of the whole number what proportion is there?—A. Oh, not a quarter.

Q. Then I am right in saying that they don't allow them the same rate of advance upon the cash price of the fish bought from them that they charge them in the autumn upon the goods sold to them on credit?—A. Yes.

Q. They allow what amounts to about 20 per cent.?—A. Unfortunately the good pay for the bad in many cases. The merchant is obliged to add that to protect himself.

By Mr. Davies:

Q. What do I understand to be the difference between the price at which you sell goods on credit, and the price at which you sell for cash?—A. 25 per cent.

Q. Supposing a man catches a certain amount of fish for you and wants cash instead of goods, do you give it to him?—A. We deduct one-fifth from the trade price, and give him his cash, which he can spend where he likes.

Q. So the difference is 20 per cent.?—A. Yes.

Q. If he wants to deal with you and take your goods, you charge him 20 per cent. in addition to cash price?—A. Yes.

Q. You say one-fifth. Did you make 43 per cent. of it in any way? Do you charge in any of your dealings 43 per cent. difference against the

fisherman who deals with you on credit, as compared with one who deals on cash?—A. No.

Mr. DANA. I did not ask him what he did, but what merchants generally did.

Q. You are a merchant, are you not?—A. Yes.

Q. You hire men and pay them. You sell to the larger merchants?—A. Yes, and I sell to a great many of the inhabitants.

Q. They deal at your store?—A. Yes.

Q. They buy goods?—A. Yes.

Q. What price do you get after the fish are cured and dried, from the Jersey merchants?—A. That differs, of course. It is a private agreement between me and the exporters.

Q. It is after they are dried that you sell them. You have to dry them?—A. Yes. I make a private agreement with the exporter.

Q. What is the general price paid for dried fish?—A. Sixteen shillings cash and twenty shillings trade.

Q. That is, dried fish this year?—A. Yes.

By Sir Alexander Galt:

Q. I would like to see if I understand your statement. It has been said, and I did not understand you to differ from that, that a barrel of flour was sold at \$7 if paid for in cash, and at about \$10 (although I understood you were not quite of the same opinion as the other witness) if entered in the book?—A. Yes.

Q. Well, that would be a difference of about 43 per cent.?—A. Yes.

Q. Well, is there any difference in the rate of advance you make on flour and on the other articles that you supply, or is a corresponding advance made in every other article?—A. It is just about the same.

Q. Well, in regard to the price charged, you have told us you have charged 25 per cent. in general terms (it appears, however, to be more), and that you deduct from the price of the fish 20 per cent.?—A. Yes.

Q. Very well, those are equivalent amounts, because 25 per cent. on sixteen shillings is four shillings, which would make it twenty shillings, and 20 per cent. of twenty shillings is also four shillings, which deducted reduces it to sixteen shillings.

By Mr. Davies:

Q. Do I understand you to say that you sell flour at \$7 cash, and on credit for \$10? Mr. Dana has given you an instance, and Sir Alexander Galt has repeated it, assuming flour to be sold at cash for \$7 and credit for \$10. Is that so?—A. No.

By Sir Alexander Galt:

Q. Let us understand exactly. On a general average of articles, what difference do you make for giving a winter's credit to those fishermen? How much advance do you put on flour?—A. As a general rule, we put on the credit system from 60 to 75 per cent.; that is the advance we generally put, on the credit system.

By Mr. Davies:

Q. That is over cost?—A. That is over cost. For cash we sell very cheap; we sell for 20 per cent. over cost for cash. We charge a large additional sum on credit.

Q. But that has to be paid for with fish at trade prices?—A. Yes.

By Mr. Foster:

Q. Do you mean that if you are being paid an old debt that stood over last year—in that case do you allow the trade or the cash price of the fish brought in to pay for them?—A. The trade price.

By Sir Alexander Galt:

Q. I wish to ask you a question on a different subject, in regard to the dependence of those fishermen upon the fisheries for the existence of themselves and their families. You spoke of their being employed on farms during the winter. Do we understand from you that the subsistence of those fishermen and their families is dependent practically upon the fish that they catch during the summer?—A. Practically on that.

Q. If those mercantile houses did not buy those fish, or if from any cause they were to move away, these fishermen might be exposed to distress?—A. Yes. For instance, if the merchants were to refuse to give them an advance in the autumn it would be simple starvation.

By Mr. Davies:

Q. When you charge that large percentage on credit, do you give a correspondingly large increase in the price of the fish you take from them?—A. Yes.

Q. So that practically it becomes even?—A. Of course the merchants are bound to make an advance on account of bad debts.

Q. But I understand you to allow him the same difference in the trade price that you pay him for his fish?—A. Yes.

#### No. 34.

JAMES JESSOP, builder and farmer, formerly a fisherman, of Newport, Gaspe, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a fisherman?—Answer. I went fishing for thirty years.

Q. You were born at Perce?—A. Yes.

Q. You have resided at Newport for fourteen years?—A. Yes.

Q. You reside there at present?—A. Yes.

Q. How far is that from Perce?—A. About 30 or 40 miles westward from Perce.

Q. Have you been fishing all your life?—A. I have been fishing all my life, except during the last five years.

Q. Did you live among fishermen?—A. Yes.

Q. Was your father a fisherman?—A. No. I have lived among fishermen all my life, and I went fishing when twelve years of age.

Q. During all that period have you known American vessels and American crews?—A. Yes; and I have often been on board of the vessels and had conversations with the crews. They have been at my place several times.

Q. Have you seen them on shore and on board?—A. Yes.

Q. During the whole of that period?—A. Yes.

Q. Have you ever fished on board of their vessels?—A. Yes. I fished on board of a Gloucester vessel, Madame Roland.

Q. How long did you fish in her?—A. Twelve or fifteen days.

Q. In what year was that?—A. In 1868.

Q. What fishery did you carry on?—A. The cod-fishery.

Q. Where?—A. Off Perce and Newport. I fished for two years on the north shore of the river St. Lawrence.

Q. What did you fish there?—A. Cod-fish.

Q. Have you seen the American fishing fleet?—A. I saw a great many vessels at Natashquan—100 sail—but I did not go on board.

Q. How many years were you fishing on the north shore?—A. I was one year at Natashquan.

Q. You saw the American fleet?—A. The best part were Halifax vessels, and from along the coast at Halifax.

Q. Have you seen the Americans fishing on the south shore?—A. Yes; fishing for mackerel and cod.

Q. From Cape Chatte to Cape Gaspé, how far from the shore did the Americans fish?—A. From Cape Chatte to Cape Gaspé the Americans came in along the shore. I never fished there. I have passed up and down and seen American vessels fishing for mackerel right along the shore.

Q. Did you see or hear of Americans fishing for mackerel outside of three miles from shore?—A. No; all within one mile, one mile and a half, and two miles from shore.

Q. Did you ever hear of any fishing outside three miles?—A. Not on that coast.

Q. On the north side of Bay Chaleurs where are mackerel found?—A. The great body of mackerel is along the shore. A few may be caught outside in deep water, but the mackerel make into the shore and come after small bait.

Q. Where are most of the mackerel caught?—A. Handy to the shore, sometimes a mile and a half out, sometimes not five acres out.

Q. Do you know from the Americans themselves whether they catch the greater part of the mackerel inshore?—A. Yes. The vessel I was on board fished inshore with boats. The vessel was at anchor in Newport Harbor.

Q. How far from the land?—A. About 300 yards.

Q. Did you catch all the fish there?—A. There were no fish in the harbor; we caught them in a cove called Carnaval.

Q. How far from the shore?—A. About two cables' length. We got 100 barrels one day.

Q. Did you catch your fish far from the shore?—A. The farthest we caught might be half a mile off.

Q. How many did you catch?—A. I could not say exactly, but we pretty nearly loaded her. I left her, and she afterward left to tranship her cargo.

Q. At what place was she going to tranship?—A. Some port toward Prince Edward Island, the skipper told me. About ten days after I was down at Perce, and the skipper came back looking for me; he left word for me to come down, but there was a storm and I did not see him after.

Q. How many days were you on board?—A. Twelve or fifteen days.

Q. You got the load during that period?—A. The best part of the load.

Q. Do you know, from information derived from Americans, whether it would be worth their while to carry on the fishery if they were excluded from the inshore fisheries?—A. They could not do much if excluded from the inshore fisheries.

Q. You know that from themselves?—A. Yes.

Q. Would they undertake the fishery if excluded from the inshore fisheries?—A. I could not say.

Q. Do you know, from what you have heard from them, whether they would engage in it?—A. I don't think it would pay them. It is easy to see they would risk their vessels, which might be seized and taken.

Q. You say you have been in communication with crews of American

vessels, and they have been ashore at your house; how many crews have you seen at one time?—A. I saw the crews of four vessels at one time.

Q. You have constantly mixed with them?—A. Yes; there was Captain Ellwood and his crew, who always came, and another crew.

Q. Do you know from them their estimate of the number of barrels of mackerel a schooner would take in a season?—A. On an average 600 or 700; some take more, and some less.

Q. What would you understand to have been some of the larger catches of American vessels, as you have heard from them?—A. Some vessels have made three loads of 500 barrels each.

Q. You have heard that from them?—A. Yes.

Q. That is 1,500 barrels for the season?—A. Yes. They do not all do that.

Q. Did you ever know of a mackerel vessel that did not get one full fare?—A. I never heard of it.

Q. How many barrels do the majority of the vessels catch?—A. They catch from 600 to 700 barrels on an average.

Q. In how many trips?—A. Some make three trips and some only one.

Q. Do many of them make two trips?—A. I suppose about two trips on an average.

Q. Do you know from the Americans what they consider to be the advantage of transshipping, what it saves them?—A. It is a great advantage. They are thus able to remain in the fishing grounds, where otherwise they would be going home with their loads. It is the advantage of a trip.

Q. You know that from themselves?—A. Yes.

Q. That they consider it the advantage of a trip?—A. Yes.

Q. At what period do the mackerel come to your shores?—A. On our shores we get mackerel on 15th June; the larger body comes in about 15th July, and from that to 15th and 20th August.

Q. How late do they remain?—A. I have seen them on 15th October on our shores, and vessels there even then.

Q. Usually how long do they remain?—A. Until about the middle of September; they are always there till about 15th September.

Q. How plentiful are they on your coast?—A. Some years they are so plentiful that you can see nothing but a school for three miles out with the mackerel rising and breaking the water. Some days there will be a solid body of them right into shore, within a quarter of a mile from shore, sometimes within ten acres, among the rocks.

Q. How long would they remain that plentiful?—A. Generally about three weeks.

Q. Continuously during that time?—A. Yes; every day they are schooling for about three weeks.

Q. You say they appear to be almost a solid body in the water?—A. Yes.

Q. The fishery you carried on was the cod-fishery?—A. Yes.

Q. Do you know about what quantity of codfish the American schooners would catch, on an average, to each vessel?—A. As far as I can understand from them, something about 400 or 450 barrels in the Gulf of Saint Lawrence.

Q. Do you know what they usually catch?—A. They almost always get loaded. They don't catch any inside our coast; they catch the cod out on the Banks.

Q. These are different vessels from those engaged in the mackerel fisheries?—A. Yes.

Q. Have you been on board of those cod-fishing vessels ?—A. Yes ; I have been on board of them on the Banks.

Q. And you have fished there yourself ?—A. Yes.

Q. How long do they remain on the Banks ?—A. Two days, generally.

Q. Where do the boats catch the largest part of their codfish ?—A. The largest part is taken inshore.

Q. About how many boats have you on the coast from St. Peter's to Paspebiac ?—A. Between 800 and 1,000.

Q. What is their average catch ?—A. The average catch on the whole line will be from 100 or 110 to 120 quintals of dried fish.

Q. Do you know where the American fishing-vessels get their bait ?—A. They very often run up to Shippegan and Caraquette and fish for herring.

Q. How do they get their bait ?—A. With nets.

Q. Do you know what else besides herring is used for cod-bait ?—A. Mackerel and squid.

Q. How do they practice that bait-fishing ?—A. They catch mackerel with jigs, and squids with lines.

Q. Do you know where the codfish feed and spawn ?—A. I think the cod spawn on the ground where they remain.

Q. What grounds do you mean ?—A. The large cod are fished on the Banks and in deep water, and they have been caught spawning there. In hauling them on the coast also, we have found them in the act of spawning. So we think they spawn where they are.

Q. On the coast ?—A. Yes.

Q. Do you know of any other way the cod-fishermen have of getting their bait than that you have mentioned ?—A. They get their bait sometimes outside on the Banks.

Q. How ?—A. With nets. They catch the bait the same outside.

Q. So far as your experience goes, do you know of any other way of getting codfish-bait ?—A. They seine caplin on the coast sometimes.

Q. Have you knowledge of any other way of procuring bait for cod-fishing ?—A. No.

Q. The fishing could not be carried on with salt bait ?—A. They can do nothing fishing with salt bait.

Q. Have you tried it ?—A. I have tried it.

Q. Could you not succeed with it ?—A. You can do nothing with it ; you may get an odd fish, but it will not pay to fish with it. Fish are very particular about bait.

Q. Suppose the American cod fishers were excluded from catching or buying fresh bait, do you know of any way by which they could carry on the codfishing business ?—A. I don't know of any. They might carry on a little fishing on the Banks, but when the bait failed they could not do anything.

Q. To what extent could they carry on the fishing ?—A. It is very hard to tell ; some years there will be some herring on the Banks and other years very few.

Q. Would it be worth while for them to engage in the codfishing business ?—A. I don't think so.

Q. As a matter of fact, where do they get most of the bait ; on the shores or on the Banks ?—A. More inshore than on the Banks.

Q. Do the Americans come inshore constantly for bait ?—A. They may not come on our shores, but on other shores they do. Most of them go to Shippegan, which is a great place for fishing herring. The herring come in from the Banks to Shippegan ; the Americans catch them and also follow them inshore.

Q. The Americans come from the Banks on purpose to catch bait?—  
A. Yes; and when they go out of the bay they get fresh bait when the herring school is passing out.

Q. How long does the fresh bait last?—A. It will only keep fresh one day.

Q. That is when there is no ice on board to preserve it?—A. Yes.

Q. Where there is ice, how long will the bait keep fresh?—A. Two or three days.

Q. Do you know of Americans purchasing ice on the shores of Nova Scotia?—A. I have heard that they do.

Q. Do they take that ice to preserve their bait?—A. They never take any on our coast.

By Mr. Dana:

Q. You spoke of some codfish having been caught in the act of spawning; will you describe what you mean by the act of spawning?—A. When the fish were hauled in, the spawn was found running from them, quite soft.

Q. When were they caught spawning?—A. In July.

Q. Where?—A. On the grounds where we catch the fish.

Q. The large fish on the Banks?—A. The large fish in deep water.

Q. Can you fix the month when they spawn?—A. July.

Q. Whether large or small cod?—A. They are large outside and small inside on our coast.

Q. When spawning can they be trawled?—A. Yes.

Q. They will bite?—A. They will bite on trawls when they will not bite on hand-lines.

Q. Can they be caught by hand-lines when spawning?—A. Only very few.

Q. What do you think cod live on?—A. We find in them herring, mackerel, crabs, and offal, such as cod heads and backbones, where Americans have been splitting.

Q. So far as the Americans are concerned, they do not care for the small cod caught near the shore?—A. No; I have seen them haul a trawl and throw away the small cod.

Q. They go to the Banks to catch the large fish?—A. Yes.

#### No. 35.

WILLIAM FLYNN, custom-house officer, and secretary-treasurer of the county council of Gaspé, residing at Perce, Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you any knowledge of the fisheries?—Answer. I have been trading in fish for 15 years.

Q. In what branch of the fisheries have you been engaged?—A. The cod-fishery.

Q. And in mackerel to any extent?—A. Not in mackerel. We don't fish for mackerel, except for bait.

Q. How many boats have you employed?—A. Some seasons five or six; sometimes less and sometimes more.

Q. How far from the shore do they take codfish?—A. About two miles or two miles and a half.

Q. How many boats are there in the harbor of Perce? A. About 165.

Q. How many boats are there along the coast from Paspebiac to Gaspé?—A. About 1,100. Between 1,000 and 1,100.

Q. What is the average catch of the boats you have employed and of those 1,100 boats?—A. I think the average would be from 120 to 125 quintals all round per season.

Q. What would the value of the fish be to the man who caught them?—A. Some years from \$5 to \$6 per quintal.

Q. Do you mean \$5 or \$6 green or dried?—A. I mean dried.

Q. Green they would not be worth so much?—A. Not so much.

Q. What would you pay for green cod?—A. We pay about \$3 per quintal.

Q. Do the Americans fish along your shores for cod?—A. They do.

Q. Within three miles from shore?—A. Yes.

Q. To any extent?—A. They don't fish codfish to any great extent within three miles from shore.

Q. Where do they fish for cod?—A. On Miscou Bank and Bank Orphan.

Q. What is the number of the fleet engaged in fishing on Miscou Bank alone?—A. I have heard my men say from 40 to 50 sail.

Q. You would put the average at 40 sail?—A. Yes.

Q. Do you know what is the number of the cod-fishing fleet in the bay on an average each year?—A. From 300 to 400 vessels.

Q. Nearer 400 than 300?—A. About 400.

Q. Where do these cod-fishermen get the bait they use?—A. A great deal of it inshore, along our coast.

Q. How do they get it?—A. By setting nets inshore, and sometimes by buying it.

Q. What kind of fish do they catch for bait?—A. Herring. I have seen them seining herring. I have heard that they jig squid and bob mackerel.

Q. They catch caplin?—A. Yes.

Q. These are the baits used for cod?—A. Yes.

Q. Do the Americans catch them in large quantities?—A. I could not say what quantities they catch.

Q. They catch all they require?—A. Yes.

Q. These herring, caplin, and mackerel are all very close to the shore?—A. Quite close, within half or a quarter of a mile. The caplin are taken close inshore.

Q. How did American cod-fishing vessels obtain bait when the cutters were around?—A. We did not see so many vessels come in when the cutters were about. They would watch the opportunity, and come in and take bait when the cutters were away.

Q. They did not abstain from coming in for this bait because the cutters were about?—A. No; they would always come.

Q. Suppose they were prevented from taking any bait within three miles of the shore, how could they carry on the cod-fishing?—A. I don't believe they could carry it on to any advantage.

Q. They catch the cod by trawling?—A. Yes.

Q. In trawling you require fresh bait?—A. Yes.

Q. And that fresh bait can only be obtained on our shores?—A. Yes.

Q. Can you get it farther out than three miles from shore?—A. You can sometimes.

Q. To any extent?—A. Not to any great extent.

Q. To any extent which would warrant them in prosecuting the fisheries?—A. No.

Q. I understand the meaning of your evidence is that it is absolutely

necessary to get fresh bait to carry out the cod-fishery?—A. Yes; that is the meaning of my evidence.

Q. And that this bait is got from half a mile to a mile from shore?—A. Most of it.

Q. On the north side of the St. Lawrence where are the codfish taken?—A. I have heard fishermen say they take them very close to the shore. I don't know much about that myself.

Q. What is the average annual catch of the American cod-fishermen?—A. I could not give an average.

Q. Have you sufficient knowledge to enable you to give a fair opinion about it?—A. I have heard some say they used to make two trips some years.

Q. Do you know what they took per trip?—A. I could not say exactly what they took.

Q. You catch mackerel to some extent for bait; is it used to any material extent for bait?—A. It is.

Q. As much as herring?—A. Not exactly as much as herring. At certain seasons—in July for instance—it is mostly mackerel we use.

Q. At what distance from the shore are they taken?—A. Quite close to the shore; about half, three-quarters, or a mile from the shore.

Q. Will you tell the Commission why the mackerel go close inshore; on what do they feed?—A. On shrimp.

Q. It is close inshore?—A. Yes.

Q. Do you think it is the shrimp which take the mackerel there?—A. It is supposed that this is what takes them there.

Q. The Americans follow the mackerel-fishing to a large extent on your coast?—A. Yes.

Q. And have done so for many years?—A. Yes.

Q. Does your recollection cover the period during which the Reciprocity Treaty was in force?—A. Yes.

Q. Will you tell the Commission how many American vessels were in the habit of frequenting your coast during the existence of the Reciprocity Treaty?—A. I should say from 300 to 400.

Q. Have you ever seen a large number of them at one time?—A. As many as 150 sail in Perce at one time.

Q. You put the number of American mackerel vessels cruising off your coast at from 300 to 400?—A. There may have been more.

Q. These vessels are distinct and separate from the cod-fishing vessels?—A. Yes; perhaps there may have been 500.

Q. Did the number continue the same after the Reciprocity Treaty was abolished?—A. No; the number fell off.

Q. What effect had the presence of the cutters?—A. We did not see so many.

Q. Did the Americans keep offshore altogether when the cutters were about?—A. No.

Q. How did they act then?—A. They came in when the cutters were away; they watched the cutters.

Q. Where do they generally catch the fish? You could see where they fished?—A. Within three miles.

Q. How close to the shore?—A. I saw them fish within half a mile.

Q. Where would they generally catch their fish?—A. Within three miles of the shore.

Q. Did they catch them well within the three miles or close to the edge?—A. Close in the three miles. Most of them were caught inside of three miles.

Q. Do you wish the Commission to understand that they were caught

near the edge of the three miles or close in to the shore?—A. Within one mile of the shore.

Q. The bulk of the fish was taken there?—A. The largest quantity of fish was taken within three miles from the shore.

Q. What proportion would be so taken?—A. I should say about three-fourths.

Q. Does the same rule apply along the south coast of the St. Lawrence from Cape Chatte to Gaspé?—A. They are mostly all taken within three miles from the shore.

Q. Are any taken outside?—A. None, from what I hear.

Q. What time of the year have you mackerel on your coast?—A. They generally commence in July. July, August, and September are the three principal months.

Q. Have you ever been in conversation with American captains?—A. I have; I have been on board their vessels and talked to them about their catches and the season they take them.

Q. Have you ever made an estimate of the average catch of these mackerel vessels?—A. As far as I could judge they would take about 600 or 700 barrels per season on an average.

Q. Have you known them take more?—A. I take it in this way: Many of them make two trips, I have heard them say, and they are vessels which would take from 350 to 400 barrels each trip, and in some cases more.

Q. What is the ordinary tonnage of American mackerel schooners nowadays?—A. I should say they would average about 70 tons.

Q. Are they not larger than they used to be?—A. I think they are larger.

Q. Would they range about 100 tons?—A. I have seen some 120 tons.

Q. You put the catch of each vessel at about 700 barrels, taking the fleet through?—A. From 650 to 700 barrels.

Q. Where do you send your codfish?—A. To the Brazils, Italy, Portugal, and Spain.

Q. You don't send any to the United States?—A. To my knowledge, two small cargoes were sent from Perce.

Q. When was that?—A. In 1868. They were sent to Boston.

Q. Was the fish prepared for that market?—A. Yes; it was mostly green fish.

Q. Was the venture successful?—A. The result was not very favorable, and I understand from the merchants they did not realize for the fish what they get at the port of Quebec.

Q. They found it unprofitable?—A. It did not pay them at all.

Q. I believe it is understood that your foreign trade with Portugal, Italy, and the Brazils does pay?—A. Yes; the price is from \$4 to \$8 per quintal.

Q. Then there is not much chance of opening a market in the United States, even if you have a free market there?—A. I do not see it is any advantage to send our fish to that market.

Q. Did you ever know of any Canadian vessel going to American waters to catch fish?—A. I never heard of any.

Q. Do you think the American mackerel fleet could prosecute the fisheries on our coasts if they were excluded from fishing within the three-mile limits?—A. They could not.

Q. Have you any doubt of it?—A. I have not much doubt, because I know most of the bait is taken inshore, and they would not be able to do without bait.

By Mr. Foster :

- Q. What was the year when you saw 100 mackerel vessels at Perce ?—  
A. I could not exactly say ; eight or nine years ago.  
Q. From that time the number has been decreasing ?—A. Yes.  
Q. Steadily ?—A. Yes.  
Q. Until it has got down to very few ?—A. Very few ; I have not seen any this year.  
Q. You never had any mackerel fishing by your own people in your vicinity ?—A. No.  
Q. Has the cod-fishing business grown better or worse, larger or smaller, during the last ten years ?—A. I think it is something better.  
Q. You have an abundant supply of bait ?—A. Yes, there is a very good supply this year.  
Q. And for ten years past the business has been improving ?—A. Yes.  
Q. And so has the condition of your people, I suppose ?—A. Yes.  
Q. And so with the men engaged in the business ?—A. Yes.  
Q. You have not suffered anything in the cod-fishing business yet ?—  
A. No.

No. 36.

JOSEPH COUTURE, fisherman, Cape Despair, Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

(This witness gave his evidence in French, which was translated by Mr. Doutre.)

To Mr. Doutre :

I am forty-two years of age. I live at Cape Despair, in the county of Gaspé. I am a fisherman, and at present employ men in the fishing business. This fishery is carried on along the coast from one to three miles from the shore, and also on Miscou Bank. The Americans fish there. I have seen as many as forty sail fishing there at the same time. The Americans procure their bait along and near the coast. This bait consists of herring, caplin, and squid. The cod-fishery cannot be prosecuted to advantage with salt bait. The Americans cannot bring with them to Miscou Bank a sufficient supply of bait. In 1857 I fished in an American schooner called the Maria. I do not remember her captain's name. The schooner was fitted out at and started from Portland. During the first three months of the voyage we fished for cod along Cape Breton, the Magdalen Islands, and Miscou Bank. At Cape Breton we took the cod at distances of from a mile to a mile and a half from the shore. We fished at about the same distance from the shore at the Magdalen Islands. We took 330 quintals of cod. We caught about three-quarters of our load within three miles of the coast off Cape Breton and the Magdalen Island, and the remainder at Miscou Bank. We procured our bait on the Cape Breton shore. We went back to Portland and unloaded our cargo, and left for a trip for mackerel. We caught mackerel off Prince Edward Island, all within two miles of the shore. We fished exclusively off Prince Edward Island, between East Point and West Point. We caught 260 barrels. The vessel was of about 64 tons. We took some of our bait from Portland, and we caught the remainder where we were fishing, off the Island. Over 450 American schooners were there fishing for mackerel in the Bay of Saint Lawrence. The tonnage of these vessels would run from 35 to 130 tons. Stormy weather takes the mackerel off shore into deep water, and the fishermen follow them there sometimes. When fine weather returns the fish come back near the coast. A vessel of 70 tons requires a load of between 450 and

500 barrels. I state that this is the load generally taken by such a vessel from my own observation and the conversation I have had with fishermen on the subject.

Those who only fish for mackerel make at least two trips a season, and some make three trips. If a vessel of 70 tons were loaded to its full capacity, it would carry each trip from 450 to 500 barrels; but they are not always fully loaded. If the Americans were excluded from coming within the three-mile limit, either as respects fishing or the securing of bait, it would not pay them to come to our shores to fish. Some British subjects may have been employed on American vessels in American waters, but I never heard of any Canadian or other British subject going to American waters to fish on his own account. I do not think that it would be any advantage to British subjects to go and fish there. Large establishments are engaged in prosecuting the cod-fishery on the coast of Gaspé. They do not send vessels to the banks of Newfoundland to fish for cod. The larger part of the cod taken by these establishments is caught within three miles of the coast, Miscou bank excepted in this relation. Three-quarters of the cod caught in the Gulf are, in my opinion, taken within three miles of the shore; I refer in this regard to the catch throughout the Gulf. Those engaged on American fishing vessels consider that they have a good season if they realize each during it \$400; but to do so they must be under an intelligent captain. I now am speaking of men who work on shares, under which system they get one-half of all they catch. Such a man would obtain this \$400, exclusive of his maintenance, which is at the charge of the owner. The mackerel feed on shrimps, lautz, and chevrettes, which generally keep near the shore in fair weather. Like other fish, during stormy weather they go off shore. The fact of their presence near the shore explains why the fish are caught within a short distance of it, as they are attracted in near the shore in search of such food.

To Mr. TRESOOT:

We took some barrels of bait from Portland. This bait consisted of clams, to be mixed with other bait. I do not know where the bait which was taken from Portland is generally caught.

No. 37.

FRIDAY, August 24, 1877.

The conference met.

T. J. LAMONTAIGNE, fish-merchant, St. Anne des Monts, Province of Quebec, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You come from Cape Chatte!—Answer. I have a fishing establishment at Cape Chatte, but I reside at St. Anne des Monts.

Q. That is 8 or 9 miles from Cape Chatte!—A. About 10 miles.

Q. In what business are you engaged?—A. In the cod-fishing business.

Q. Exclusively cod-fishing?—A. Yes.

Q. How long have you been engaged in the fishing business?—A. Since the spring of 1859.

Q. Along what part of the coast has your fishing business extended?—

A. From Cape Chatte downwards as far as ten miles below St. Anne des Monts. About 20 miles along the coast.

Q. What do you do with your fish?—A. I dry it and send it to market.

Q. Where do you send your fish?—A. Most of it is sent to Italy, and some of it to the Brazils.

Q. Do you send any portion to the United States?—A. None whatever.

Q. Why?—A. Because it would not pay to send it to the United States.

Q. Have you made inquiry on that subject?—A. Yes.

Q. You found it would not pay?—A. We found it would not pay.

Q. Is any portion sold in the Dominion?—A. Some of it. Some green fish is sent to Quebec and Montreal markets, and what is called table-fish.

Q. You are acquainted with the trade all around the north shore of Gaspé and down, I suppose, to the Bay of Gaspé?—A. I have been several times in those places, and have had communications with some of the merchants there.

Q. Take from Cape Chatte to Gaspé, along the south shore, what is the average annual export each year of fish; I refer to codfish and line-fish?—A. From my place down to Cape Gaspé there will be 25,000 quintals, at least of dried fish, exported.

Q. Taking the whole Gaspé shore what would you say?—A. I should think not less than from 180,000 to 200,000 quintals of dried fish.

Q. What is the value per quintal previous to exportation?—A. They should not be worth less than \$5 per quintal.

Q. How are these fish taken; by vessels or boats?—A. By boats.

Q. Are they taken with hook and line?—A. Yes. What we take on our coast are all taken with boats and with hook and line.

Q. You don't use trawls?—A. In our part of the river we never use trawls.

Q. What is the effect of trawl-fishing, so far as you are aware?—A. I think it is very disastrous to the fish especially to large fish.

Q. Why?—A. Because the large fish are considered to be the spawning fish, at least as far as it is within my knowledge and ability to ascertain.

Q. It kills the mother-fish?—A. Trawls take the bottom-fish, which are the large fish.

Q. Cod-trawlers take many fish which they do not use?—A. I believe a few small fish are taken, but they are mostly large fish.

Q. What do fishermen say as to the effect of throwing overboard gurry on the fishing-grounds?—A. I never heard many fishermen complain of it, except that the gurry takes the fish from them.

Q. Is all the fish of which you have spoken along Gaspé shore taken far out from shore or close in?—A. Close in shore.

Q. Within what distance of the shore?—A. From one to two miles, never outside of two miles, on our part of the coast.

Q. Over in the center of the river Saint Lawrence is there any fish?—A. Our fishermen have tried to get fish there, but never could find any outside of three miles.

Q. Do you find the fish outside of two miles?—A. No.

Q. Out in the middle of the river there are no fish at all?—A. No.

Q. Is the fishing on the north shore of the river, opposite to where you reside, and from there down to the Bay of Seven Islands, as good as any on your side of the river?—A. Generally so; the fish get there later, but the fishing is generally as good.

Q. The fish strike into the south shore first?—A. Yes.

Q. And afterwards cross the river?—A. Yes.

Q. What fish do you refer to ?—A. Cod.

Q. What time do the cod strike on your coast ?—A. In June.

Q. How long do they stay ?—A. Generally all through June, and they go over in July to the north shore. Our best fishing is in June, after which the fish go over to the north shore, when the fishing there is as good as it is with us in June.

Q. Is your fishing during July, August, and September generally good ?—A. The fish are not quite so abundant, but there is always fair fishing during the season.

Q. How many boats are employed in the district you speak of, twenty miles from Cape Chatte downward ?—A. I should say from 200 to 250 boats at least.

Q. How many men would they employ ?—A. There are generally two men to each boat.

Q. Do the mackerel come in there as well as cod ?—A. Yes, generally.

Q. I believe you don't fish for mackerel ?—A. We do not.

Q. You never turned your attention to mackerel fishing ?—A. Not except for bait.

Q. You find the codfishing pay better ?—A. Yes, that is the reason ; we have enough to do with the codfishing business.

Q. Are mackerel plentiful this year ?—A. Yes, on our coast they are quite plentiful.

Q. Have you any halibut on your coast ?—A. Not at present.

Q. What is the reason ?—A. We attribute it to the Americans fishing for halibut on our coast.

Q. What time did they fish ?—A. About August.

Q. What years did they come there ?—A. From 1856 to 1866 and 1870, as near as I can remember.

Q. In 1866, the Reciprocity Treaty came to an end ; did the Americans fish for halibut there in 1870 ?—A. I could not say exactly the year, but I am sure they fished there.

Q. Did they fish after the abrogation of the Reciprocity Treaty in 1866 ?—A. The Americans did fish there.

Q. Was halibut taken within two miles of the shore ?—A. Near the shore.

Q. The Americans came in after the Reciprocity Treaty was abrogated, did they ?—A. I believe they did.

Q. And they cleaned out the halibut ?—A. Fishermen all agree in saying that they took away all the halibut on our coast.

Q. They all agree that the Americans spoiled the halibut fishing ?—A. Yes.

Q. Did any one on your part of the coast try the experiment of sending fish to the United States ?—A. Not in our part. I have heard of a firm sending cargoes to the United States.

Q. What firm ?—A. Leboutillier Bros.

Q. They tried the experiment ?—A. They lost money by it.

Q. To what extent is fish exported from your part of the coast to Quebec and Montreal ?—A. It is pretty considerable. The dried-fish trade terminates in August, and the green fish is taken up to Quebec after that. I should think the quantity of green cod and table fish would amount to about 25,000 barrels caught on the coast of Gaspé and sent to Quebec and Montreal markets. There is a quantity of draught fish besides the barrels. I should think from 10,000 to 15,000 quintals of large draught fish go up to the markets of Quebec and Montreal besides the 25,000 barrels of green fish.

Q. Why do you call them draught fish?—A. They are large green fish.

Q. Does it pay better to send them to Quebec and Montreal than to dry them and send them to Brazil and Spain?—A. It does with the large fish, because they are difficult to dry at that late season.

Q. When does that season begin?—A. In September; it is then too late to dry large green fish.

Q. Up to that time you dry the small fish for the markets of Brazil, the West Indies, and Mediterranean ports?—A. Yes.

Q. Is the trade with Montreal, Quebec, and other parts of the Dominion a paying trade?—A. Generally so.

Q. Does it pay as well as the export trade to foreign markets?—A. Not quite as well.

Q. In point of fact, for all the fish you can catch on your coast you have ample markets without the United States?—A. Yes; we have always found a ready market so far.

By Mr. Trescot:

Q. As I understand, you belong to what is generally known as a Jersey firm?—A. I don't belong to a Jersey firm.

Q. The sort of business you do is that of curing fish hard and sending them to the Brazils, Spain, and Portugal markets?—A. Yes.

Q. With regard to that business at Gaspé and the neighborhood, the business has materially increased from year to year?—A. Yes.

Q. It is a profitable business?—A. Yes; it is a pretty good business.

Q. There has been no competition by American fishermen?—A. No.

Q. They don't interfere with your markets?—A. Not in our part of the country.

Q. So that if the treaty of 1871 did not give you any great advantages, it has not imposed any disadvantage upon you; you have neither gained nor lost as far as your trade is concerned?—A. Not that I can see at this moment.

Q. With regard to the mode in which you prepare your fish and the special market you have, the trade may almost be considered as a monopoly, and you don't think it worth while to leave that trade to enter into trade with the United States and to prepare fish in another way for that market?—A. Because we have always been under the impression that it would not pay.

Q. You say you send some of the large cod up to Quebec and Montreal; they are lightly salted?—A. They are green fish.

Q. That is a recently-established business, is it not?—A. No, we have always prepared the fish in the same way.

Q. Have you ever attempted to send those cod into the United States?—A. No.

Q. Don't you think it probable that a market for them could be found in the United States, though a market cannot be found there for hard-salted cod?—A. We have always found a ready market elsewhere for our fish.

Q. But there is nothing to prevent you sending those fish to the United States?—A. If the market was better in the United States we would try it.

Q. The thing has not been attempted?—A. No; for the good reason I have stated.

Q. That you find a ready market for all your fish?—A. Yes.

Q. With regard to the mackerel fishing, it is a very uncertain business?—A. Sometimes.

Q. Is not this a true statement of what the mackerel fishery is? I read from Mr. Lavoie:

Of all the fish which frequent Canadian waters, there is none, I dare say, upon the regular appearance of which so little reliance can be placed as on mackerel, excepting always Magdalen Islands, where they repair every spring and summer in smaller or larger numbers, so fond are they of these particular shores. Mackerel was abundant for several years in Bay de Chaleurs, Gaspé Bay, and Seven Islands. Cargoes of this fish were to be caught at Godbout, Cape Chatte, and Mecatina, but this year a few only were taken in herring nets and used as bait for cod. Mackerel were, however, as abundant as ever in Magdalen Islands, and if the quantity caught is not up to last year's mark, this is due to the appearance of animalcula which floated on the surface of the water, and which mackerel appeared to be fonder of than bait. These fish usually enter our waters about the middle of July, and leave them only towards the end of October. Not a single barrel of mackerel was caught on the North shore this season; the statistics of last year showed 32 barrels. In 1874, 1,322 barrels were caught on the coast of Gaspé, last year 75 barrels, and this year none at all.

So there are reasons, besides the presence of the Americans, why you don't catch mackerel always in that neighborhood?—A. I say our fishermen do not give their attention to it; that they do not care about the mackerel fishery.

Q. You were asked as to the effect of trawling or using bultows on the fisheries, and you said you thought it was very injurious?—A. It is, in my opinion, from what I have heard stated by the fishermen themselves.

Q. I find in this report of Mr. Lavoie, he says:

Several complaints were made before me, so that I was reluctantly compelled to absolutely forbid bultow fishing within the prescribed limit of three miles, and to threaten with fines those who should violate this regulation. Although I cannot possibly understand what difference there can be in fishing with these lines at a distance of 1 or 2 miles from shore, when none is found in there being used all round the Islands inside the bays. Such of the fishermen who are not provided with these lines complain of their use, and give no reason to justify their pretensions. So far as my own opinion is concerned, I think, far from prohibiting these fishing engines, they should be encouraged in certain places.

You don't agree with that?—A. No.

By Mr. Thomson:

Q. In your opinion the statement of Mr. Lavoie is sheer nonsense!—A. Mr. Lavoie is a physician. Like some lawyers, he does not know what fishing is.

Q. Your people do not prosecute the mackerel fishery?—A. No, they tried it for one year and found it would not pay them.

Q. Whether Mr. Lavoie is correct or not you do not know and do not care?—A. Quite so. Generally our fishermen take a few mackerel for the winter, for their own winter's stock.

Q. And use the rest they take for bait?—A. Yes.

Q. These are important fish for bait purposes?—A. Yes, mackerel is considered a good bait for fish.

Q. This trade you have with Montreal and Quebec is not a recent one, but has existed as long as you have had anything to do with the fishing business?—A. Since I have been on the coast, I have always knownable and green cod sent to Montreal and Quebec.

Q. If you have a good market near home you prefer to go there instead of going to another market where you cannot do so well?—A. Yes, no doubt.

Q. You are not in the same position as American fishermen; you have a good market and the fish at your own doors?—A. We have always got the fish, any amount of them.

Mr. TRECOT. As you think Mr. Lavoie's testimony, he being a physi-

cian, is not important, I will read you an extract from a report by Mr. Whitcher:

Setting bultows or trawls for codfish is represented to be a practice injurious to the fisheries, and has, on that account, been petitioned against. The department has inquired into this mode of fishing as practiced at various localities, but has not yet found sufficient reason for interfering with it to the extent of prohibition.

Q. As to fishing after 1866, just after the abrogation of the Reciprocity Treaty, are you not aware that from 1866 to 1869 our fishermen fished with licenses?—A. Yes, some took out license and some evaded it.

By Mr. Thomson :

Q. Did not a large majority, more than one-half, of the American fishermen fish without licenses?—A. I have always been under the impression that the largest part of the schooners evaded taking out licenses, from what I have heard from the captains themselves.

Q. In 1867, the year in which most of the licenses were taken out, did more than one-half of the American vessels take out licenses?—A. I cannot tell you whether half the vessels did so; but I am under the impression, from what the captains have told me, that they did not care about taking out licenses, and that they could do without them.

By Hon. Mr. Kellogg :

Q. Do you ever take to Montreal and Quebec fish prepared in the same way as that prepared for tropical markets, the West Indies, Brazil, and elsewhere?—A. No; we do not take to Montreal and Quebec fish prepared in the mode for warm climates. We take large, green fish to those markets.

No. 38.

JOHN SHORT, M. P., Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined :

By Mr. Davies :

Question. What is your occupation?—Answer. I represent the county of Gaspé in the Dominion house of commons.

Q. Have you been engaged in the fishery business for a number of years?—A. For about eight years I have been directly interested in the fishing business.

Q. At what establishment?—A. At the establishment of John Lebouillier.

Q. Is that one of the largest Jersey houses?—A. It was one of the largest Jersey houses.

Q. Did your business bring you into connection with fishermen, by which you obtained an acquaintance and knowledge of the fishery business?—A. Yes, a thorough knowledge.

Q. Over what extent does your knowledge extend and enable you to speak?—A. He had one establishment at St. Ann's de Monts, another at Griffin's Cove, another at Perce, and the chief place of business at Gaspé Basin. That would be along a coast-line of about 200 miles.

Q. How many boats are employed along that extent of coast?—A. I could not state positively.

Q. Can you give the Commission an estimate of the quantity of fish taken by your fishermen annually along the coast?—A. From Cape Chatte to New Richmond the catch would be about 100,000 quintals.

Q. Where is New Richmond?—A. On Bay Chaleurs. There is Anticosti and the north shore of the St. Lawrence, from Mount Joli north-

westward, which will give 100,000 quintals, making, together, 200,000 quintals.

Q. The north shore of the St. Lawrence and Anticosti will give 100,000 quintals?—A. Yes, with the Magdalen Islands.

Q. What kind of fish is taken?—A. Codfish chiefly. Herring is the next catch in quantity and importance.

Q. You don't fish mackerel to any extent?—A. No.

Q. You don't go into it for the purposes of trade?—A. No we find the cod-fishery more remunerative.

Q. What is the value of those 200,000 quintals of fish?—A. The coast-value is about \$5 per quintal, which would give a value of \$1,000,000. The market-value is higher; it ranges from \$5 to \$8 per quintal.

Q. How far are those fish taken from shore by the fishermen? Take the north shore.—A. Principally and nearly altogether inshore.

Q. Now take the south shore.—A. From Cape Chatte to Cape Gaspé they are all taken inshore, and from Cape Gaspé to New Richmond the greater portion is taken inshore; some are taken on Banks.

Q. How much?—A. One-quarter, I suppose.

Q. So that nine-tenths of the whole catch are taken inshore?—A. Yes. When the fish are not inshore, and the fishermen fail to catch them, they go out to the Banks; but that is the exception.

Q. Do the Americans fish for cod to any extent?—A. On the Banks they do; not inshore to any extent.

Q. You are able to state the average number of the American cod-fishing fleet?—A. I don't know of more than thirty vessels.

Q. You are now speaking only of the fleet on Miscou Bank?—A. Yes.

Q. You don't know the number of the fleet in the whole Saint Lawrence?—A. I do not.

Q. There are thirty on Miscou Bank?—A. Yes.

Q. Miscou Bank is 100 miles from the shore, I believe?—A. Not so far; not more than 35 miles.

Q. Where do the American cod-fishermen get their bait?—A. They get a great quantity from the inshore fishery.

Q. Have you seen them catch bait?—A. I have seen them set nets, but not take them up.

Q. Have you any doubt that they do catch bait?—A. I have not. They often draw seines to shore for caplin and small bait.

Q. Could the Americans carry on the deep-sea cod-fishery without that bait?—A. Not with success.

Q. You are quite sure about that?—A. Yes; I have no hesitation in saying it could not be carried on.

Q. Will you state to the Commission the number of the American mackerel fleet which frequented the coast during the years you were in the fishing business?—A. I have seen myself from Gaspé to Point Macereau about 150 sail. I have seen even more than that number, but I will give that as an average. From Bay Chaleurs down to Cape Chatte and around Anticosti, I have heard from the Americans of about 400 sail.

Q. That number of vessels frequent the localities named annually?—A. Yes.

Q. You don't mean that that number would include the fleet about Prince Edward Island and Cape Breton?—A. I don't know much about that fleet. They may have changed ground, but I am not aware they did so.

Q. You are speaking of the localities named by you?—A. Yes.

Q. The average you place at about 400 sail?—A. Yes.

Q. You have often had conversations with American captains, I suppose?—A. Yes, very often; some men I saw year after year.

Q. You have talked with them about the result of the season's work?—  
A. Yes.

Q. Can you give the Commission any estimate of the average annual catch of these vessels?—A. It would be merely an estimate.

Q. From what they have told you?—A. Their tonnage would run from 60 to 120 tons. I would average it at about 75 tons. In estimating the catch, I could not place it at more than 700 barrels per season. That would leave a large margin for those not successful.

Q. To what countries do your large houses export the codfish taken by your fishermen?—A. Principally to South America, Brazil markets, Italy, Spain, West Indies, &c.

Q. Not any to the United States?—A. None whatever.

Q. Can you explain the reason?—A. In the first place, I think the fish are not cured in a manner which would suit the American markets; they are dried too hard. The market also is not as good, and the merchants can do better in other markets. I have heard that some have tried the American market, but that they failed to make it profitable. In one instance I know the result was such that they never shipped again. They lost money by transactions both on codfish and herring.

Q. A report was read by one of the counsel of the United States stating a very ridiculously small number of mackerel as having been caught by some fishermen on our coast; you don't prosecute the mackerel fishery at all, I believe?—A. No; except for bait.

Q. You have no doubt, however, that mackerel do frequent your coast?—A. I am quite positive of that. They are abundant there this year.

Q. Mackerel have come in very plentifully?—A. Yes; in every direction all round the coast.

Q. Is mackerel used largely as an article of bait?—A. While they last, and can be caught, entirely.

Q. But they are not caught by your people for other purposes?—A. No; except in bays where cod-fishing is not prosecuted.

Q. So the catch of your fishermen along the coast will be almost *nil* in the article of mackerel for trade purposes?—A. I don't suppose more than 50 barrels are caught for sale.

By Mr. Foster:

Q. During the last few years have not the American mackerel fleet ceased to come to your bay?—A. They have not ceased to come; they have diminished to a great extent, not ceased.

Q. How many vessels have you known to be there; we will take 1876 for example?—A. I should say that on the same ground where formerly there were 400 vessels, there would not be more than 100 in 1876.

Q. Do you think there are 100?—A. Two American vessels were in our port. I was on board of one, and that was what the captain estimated as the number there; he said there were about 100 in the bay.

Q. What do you mean by the bay?—A. I mean Bay Chaleurs.

Q. Do you know the captain's name?—A. I do not.

Q. Was the estimate he gave you that there were 100 American vessels in the bay?—A. He said in the bay; I always understand that "the bay" means Bay Chaleurs.

Q. Is it not called Bay St. Lawrence?—A. Gulf is the proper name for it.

Q. Have you not always heard it spoken of as "the bay"? When

Americans are spoken of as coming to the bay, don't they mean to Bay St. Lawrence?—A. Ship captains always call it the gulf.

Q. Is not the mackerel caught there known as bay mackerel?—A. Not to my knowledge; I never heard them so called.

Q. You wish the Commission to understand that the estimate you received from this American captain was that there were 100 American mackerel schooners in Bay Chaleurs last year?—A. That is as I understood it; not in Bay Chaleurs only, but along the coast up to Cape Chatte.

Q. Do you mean in the whole gulf?—A. Not in the whole gulf.

Q. What part do you mean to exclude?—A. It would include the waters between Magdalen Islands and Gaspé, including Anticosti.

Q. Then his estimate was that there were 100 American vessels in all that region of Bay Chaleurs and around the Magdalen Islands?—A. Yes; that is, I understood him so.

Q. Do you exclude or include the shore of Prince Edward Island?—A. He did not refer to them at all; it is further away from us.

Q. Within your own observation in 1876, how many American vessels did you see?—A. Not nearly as many as before.

Q. Not nearly as many as 100?—A. Not more than eight or ten; I have seen eight or ten off the coast in the offing.

Q. They were mackerelers?—A. I presume they were changing ground going from one place to another.

Q. In what month was that?—A. At the latter part of July and beginning of August.

Q. Do you know the fact that the mackerel-fishing last year was a total failure?—A. I have heard it was a very short catch.

Q. Nearly a total failure?—A. I understand so. We don't prosecute the mackerel fishery to any extent, and we don't notice it, commercially.

Q. How about 1875?—A. It was also a short catch that year. In 1874 it was better, but it was not a good catch.

Q. There has not been a good mackerel year within your observation and information since 1873, has there?—A. No; that is, not a very good one.

Q. The cod fishery has, on the whole, been in a prosperous condition in your vicinity?—A. Yes, it has.

Q. Increasing in quantity?—A. Yes, I think so.

Q. Almost invariably profitable?—A. Yes; there is an increased number of boats every year.

Q. And the merchants have made vast profits?—A. They generally make very good profits.

Q. What percentage are the profits commonly estimated to be?—A. I don't know that the profits of prosecuting the fisheries are so very great. It is hard to say what they are, the cost of handling fish is so heavy.

Q. I want to see whether you agree with Captain Lavoie's view, as stated in his report in 1876:

Whilst I am on this matter, I shall take the present opportunity to correct an error which I have made in my report of last year, with regard to the price of cod. In order to give an idea of the enormous profits realized by merchants from Gaspé in their dealings with fishermen, I was led to state, through an involuntary mistake, that the purchase-price, as well as the price of sale of fish, formed a net profit. This error was very properly pointed out to me; but every correction being made, there still remains about 100 per cent. profit on the sales of fish, and at least 50 per cent. on the sale of goods, which is not so bad after all.

Is that a correct estimate?—A. I should say not. It is exaggerated.

Q. How much is it exaggerated?—A. 150 per cent. is very much exaggerated.

Q. We will take goods; what is the profit on goods?—A. It is not a cash business and you cannot estimate the profits without you find out what the losses are.

Q. You are able to estimate it sufficiently to say that Mr. Lavoie's statement is exaggerated?—A. After keeping the books of an establishment for eight years I can say it is largely exaggerated.

Q. If it is not 150 per cent., what is the percentage of profit?—A. It is not more than 25 per cent. on a year's business.

Q. The magnitude of the cod-fishing business has been increasing?—A. Yes.

Q. Do you agree with the last witness that you can always get an abundance of cod-fish?—A. The catch varies, but when the catch is short on the south side of the gulf and river it is generally large on the north shore.

Q. There is an abundant supply somewhere?—A. Yes. The fish change their grounds, but there is an abundant supply.

Q. So that in some quarters there will be a scarcity and in others a great abundance?—A. A great abundance.

Q. Sometimes they won't come to the St. Lawrence and to Gaspé until as late as August?—A. Not so late as that.

Q. Here is what a government officer says about that matter:

When I visited the coast of Gaspé during the month of August, most of the fishermen had given up all hope; afterwards fish were, however, caught near the shore, where, in ordinary seasons, they had disappeared for two or three seasons past. This led to the expectation that they would, in time, return on the Banks, where they could be caught, and that they would remain there longer than usual.

A. Given up all hope of a good catch; not of catching some fish.

Q. I don't mean a solitary cod-fish every year, but I mean cod-fish in such a quantity as to be a good business?—A. The catch was only one-half up to that date.

Q. The movements of these fish are past finding out, are they not?—A. I don't know that.

Q. You cannot account for their appearance and disappearance at certain places, and their changes from year to year?—A. I think so. They have their grounds; they move to certain places on the feeding-grounds; that is, the inshore fish. The inshore fish never go out into deep water, that is to the Banks, it is supposed.

Q. While there is always an abundance of fish, there is no counting that they will be found in exactly the same spots and in the same quantity?—A. Not in the same quantity.

Q. You estimate the catch of mackerel at 700 barrels per season for each mackerel on an average?—A. Yes, that would be two trips.

Q. To what year would that apply?—A. It would apply to some years ago, from 1857 to 1866.

Q. Your fishermen don't absolutely keep out of the Bank cod fishery, but they resort to it only when there is a failure of the inshore fishery?—A. Yes, when the fish cannot be taken inshore.

Q. Has there been a disposition to cultivate the Bank fishery, as there has been in Newfoundland?—A. By inshore fishermen, do you mean?

Q. In Newfoundland they pay a bounty on every banker fitted out?—A. There has been nothing in that way with us.

Q. Is it not understood that the Bank fishery is the most profitable provided there is capital, skill, and enterprise to prosecute it?—A. Not with their means of prosecuting it; that is, our inshore fishermen.

Q. With adequate means, is it not more profitable than the inshore fishery?—A. I am not aware what the profits of the Bank vessels are.

## No. 39.

JOSEF. O. SIROIS, merchant, Grande Riviere, county of Gaspé, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

To Mr. Doutre:

I am a merchant at Grande Riviere, county of Gaspé. I have employed men to fish for me round my neighborhood. I have fished on the south side of the River St. Lawrence, from Paspebiac to Cape Gaspé, a distance of about 90 miles. My fishing was done with small boats, each having two men; I generally have six of such boats employed fishing. I have carried on this kind of business during the last twenty years. It is cod we take on that coast. Cod is slightly more abundant than it was 20 years ago; it may be that each boat takes less, but the number of boats has considerably increased during that period. Part of the cod is taken along the coast, and the remainder on Miscou Bank. Cod is taken from one to two miles from the coast. They take about half their catch on the coast within the distance mentioned, and the remaining half on Miscou Bank. They take cod with bait consisting of caplin, herring, squid, smelt, and mackerel. The bait is obtained at from a quarter of a mile to two miles from the coast; it is very rare the fishermen would have to go out as far as three miles to take bait. American fishermen could not bring fresh bait from their homes. It cannot be kept with ice to be used advantageously for more than two days. The effect of placing bait on ice is to soften it so that it will not hold on the hooks. I have seen a number of American schooners fishing mackerel on the coast I have mentioned, and have myself counted 80 sail coming out of Bay Chaleurs to fish along the coast. At times when the fish were abundant, there were some 500 or 600 American schooners frequenting the coast I have mentioned. These vessels are 40 to 100 tons capacity. Americans bring their bait with them when they come mackerel fishing. Each American vessel takes from 400 to 600 barrels as a load.

Q. Do the Americans make more than one fishing trip a season?—A. I have heard that some of them make two and some three trips a year.

Q. Did you ever know of any Canadians fishing in American waters?—A. No, never.

Q. Judging from what you know of the mackerel fishery in your neighborhood, do you think that the Americans could profitably carry on this fishery near your part of the coast, if they were prevented from fishing within the three-mile limit?—A. I do not believe that they could.

Q. Large establishments conduct the cod fishery at Gaspé and Paspebiac, I believe?—A. Yes; and all along the coast.

Q. They are interested, above all, in the cod fishery?—A. Yes.

Q. Do these establishments send their codfish to the United States, or elsewhere?—A. I never heard of any being sent to the United States. The cod is generally exported to Brazil, Spain, Portugal, and Italy.

Q. What do fishermen like you do with the codfish they catch?—A. Some Canadians export, and others sell them to the large establishments of Robin and Boutilier and Collas, and to other houses.

Q. Do you catch every year more than you use?—A. Yes.

Q. You take them to sell?—A. Yes.

Q. How do you generally dispose of your fish?—A. I sell part of

them, in the dried state, to Robin and Coy, and other parties; and the large fish, in the salt and green state, I send in barrels to Quebec and Montreal.

Q. For home consumption?—A. Yes.

Q. How many boats in your parish conduct a similar business?—A. About 150.

Q. What is the population of your parish?—A. About 2,000 souls.

By Mr. Foster:

Q. Do you know Captain Lavoie?—A. Yes.

Q. When did you see him last?—A. In my parish, about a month ago.

Q. Do you know where he is now?—A. No.

Q. Was he in pretty good health when you saw him?—A. Yes.

#### No. 40.

**ABRAHAM LEBRUN**, fish merchant, of Perce, county of Gaspé, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. How long have you resided at Perce?—Answer. For a few years.

Q. Where did you previously reside?—A. On the north shore.

Q. On the north side of the river St. Lawrence?—A. Yes.

Q. Where?—A. At Sheldrake.

Q. How many years did you live there?—A. Ten.

Q. Are you thoroughly acquainted with the fishing grounds from Point des Monts to Sheldrake?—A. Yes.

Q. This is on the north side of the river St. Lawrence?—A. Yes.

Q. Since when have you had experience in this relation?—A. Since 1856.

Q. For how many miles have you knowledge of this coast?—A. For 180.

Q. You have been acquainted with it year after year during that period?—A. Yes.

Q. Are you thoroughly acquainted with the character of the fishing grounds on this coast?—A. Yes.

Q. What kind of fishing grounds are they?—A. They are reckoned to be the best in the world.

Q. For what fish?—A. Cod, halibut, mackerel, herring, squid, lantz, and caplin. These are found in abundance.

Q. What is the character of this coast with regard to the supply of bait?—A. Cod bait is always found there in abundance.

Q. During what periods?—A. The bait generally strikes in there about the middle of May; and it continues there until navigation closes.

Q. Does it ever fail?—A. I have never known it to fail up to the latter end of November.

Q. Is there any other sort of bait found at the mouths and on the bars of the rivers?—A. We have also clams in abundance. Salmon and trout are also found in these rivers. In fact, some of these rivers for fishing purposes are considered to be the best in the Dominion.

Q. When do the mackerel come on that coast?—A. Generally about the middle of July.

Q. And how long do they remain?—A. Generally throughout September.

Q. In what quantities do they frequent the shore?—A. In very large quantities. I have seen the mackerel there school for miles along the shore. They come all along the coast in great bodies.

Q. You have seen them school?—A. Yes; close inshore. The mackerel strike the shore and keep in close to it.

Q. How do you observe them?—A. They rise in what is called a school.

Q. What appearance does this give the water?—A. It looks as if a heavy gale of wind were passing over it.

Q. When you see the water in that condition, what does it indicate?—A. That a large quantity of mackerel are there in a body.

Q. How long does this continue?—A. They will school for a whole week at a time.

Q. This shows that the mackerel are schooling during that time?—A. Yes; and then they may disappear for some days. I suppose that they are sick during this space of time; but after a few days have passed they will be seen in the same way as was previously the case.

Q. Does this extend over the period you have mentioned, from the middle of July to the 1st of October?—A. Yes, generally. They will disappear at times for a week, and then they will all at once appear again in as a great force as ever.

Q. By whom are these mackerel fished for on that coast?—A. By the Americans in their vessels.

Q. At what distance from the shore do these vessels catch the mackerel?—A. From half a mile to a mile and a half, and often quite close inshore along the rocks.

Q. Have you ever known of any instance whatever of American vessels carrying on the mackerel fishery outside of three miles from that shore?—A. No.

Q. Is the shore on the south side of the river, from Cape Chatte to Cape Gaspé, of the same character as the north shore?—A. Yes, as far as mackerel are concerned.

Q. Do these American vessels ever fish there farther out than three miles from the shore?—A. No.

Q. You never knew them to fish in any instance farther out?—A. No.

Q. Then, of course, the mackerel they catch are caught within three miles of the shore?—A. Yes.

Q. Are you acquainted with the nature of the coast, as regards the mackerel fisheries around the Bay of Chaleurs?—A. Yes.

Q. Where are the mackerel caught along the shore from Cape Canso to the Bay of Chaleurs?—A. They are caught along the coast and in the bay.

Q. The same statement is true with reference to the Gaspé coast?—A. Yes; the mackerel along these shores are caught inshore, within three miles from the coast.

Q. Are there any mackerel in this relation caught outside of the three-mile limit to your knowledge?—A. I am not aware of any being so caught. I have repeatedly seen American vessels—especially when the cruiser were in the bay—come inside of the three-mile limit, and on questioning the skippers as to their reason for doing so, and thus exposing themselves to capture by their presence in our waters, they explained to me that the only fish found outside of these limits were those which are called tinkers, a very small, and, as I suppose, the young mackerel, and that their only chance of making a fare was to come and fish

along the shore; otherwise they said they would have to go home without fare.

Q. Are you acquainted with the shores of the Island of Anticosti?—A. I have been there.

Q. Are they of the same character as those which you have described?—A. The shores are of the same character with regard to fishing as our north shore, especially the north shore of Anticosti. This is a great place for halibut.

Q. Are halibut caught on the shores you have mentioned?—A. Yes.

Q. Halibut are caught along the north shore of the river St. Lawrence for the distance of 180 miles, to which you have referred?—A. Yes.

Q. And they are taken on the north coast of Anticosti, and along the south coast, and along the other coasts on the south side of the St. Lawrence, which you have mentioned?—A. Yes, sir; from Cape Chatte to Cape Gaspé; this is a celebrated coast for halibut.

Q. Are halibut caught on the shores of Gaspé and the Bay of Chaleurs?—A. They are or have been caught there.

Q. By whom is the halibut fishery carried on?—A. Chiefly by the Americans.

Q. And how are they caught?—A. With trawls.

Q. What effect has their mode of fishing had on the coast as a halibut fishery ground?—A. With regard to halibut, it has injured the fishery.

Q. By what means?—A. By overfishing. Halibut is a fish which does not reproduce itself like the cod; and of course the fishing is thus affected and injured.

Q. By whom has this overfishing been done?—A. By the Americans.

Q. During how many years?—A. It has been the case as long as I can remember—that is from 1856 to the time when I left the north shore, in 1873. They have frequented the coast from year to year.

Q. Is the halibut fishery carried on now on the south shore?—A. At present, halibut are very scarce there; but formerly they were very plentiful on this coast.

Q. By whom is the halibut fishery at present carried on?—A. I could not say whether it is carried on at present, but it has been carried on for years by the Americans, the same as on the north shore.

Q. You cannot speak with regard to the fishing on the north shore since you left it?—A. No; but when I left it the halibut had apparently diminished in number.

Q. What was the number of the fleet there?—A. Some 30 vessels fished between the coast of Anticosti and our coast.

Q. On the north side of the St. Lawrence River?—A. Yes.

Q. Thirty vessels frequented that quarter?—A. Yes; for halibut.

Q. Is this, for them, a profitable business?—A. Yes; it must have been, for they have told me—and I suppose that they were not boasting—that some of their trips had been sold as high as 15 cents a pound in the American market.

Q. Give us some idea of the quantity they catch, if you can.—A. I could not do so.

Q. Perhaps you could give an approximate idea?—A. I could not.

Q. You never made any inquiry about it?—A. No.

Q. Do they trawl on your coast?—A. Yes.

Q. And the effect of this has been to damage the fishery?—A. It has been detrimental to the halibut fishery.

Q. Do any Canadian fishermen now take halibut or have they done so?—A. They do not fish for the special purpose of taking halibut.

There are no halibut fishermen there ; but numbers of our fishermen fish for cod.

Q. What do you mean by saying that the fishery there has been damaged ?—A. That the fish are not now so abundant as was formerly the case.

Q. What would be the effect if the fishermen desisted from fishing for a period ?—A. The fish would then, of course, increase in number ; this would be the case if they were left alone.

Q. You know how long this would be advisable ?—A. I should think the fishery would be restored in six years' time.

Q. It would then be as good as ever ?—A. Yes. If the fishing is continued as it has been carried on, I am afraid that it will lead to the complete destruction of the fishery.

Q. This will be the case if it is continued for some years to come, to as great an extent as was the fact when you resided there ?—A. Yes ; that will ruin the fishery completely with regard to this species of fish.

Q. In what kind of fishery have you yourself been engaged ?—A. In the cod fishery.

Q. Altogether ?—A. Of course, on the north shore, when we had a chance to seine mackerel, we did so.

Q. I believe that you are from Jersey ?—A. Yes.

Q. How many cod-fishing establishments are there on north coast ?—A. There are a great many. The coast is lined with these establishments.

Q. These are cod-fishing establishments ?—A. Yes ; some are larger and some smaller than others.

Q. How is the cod-fishing carried on ?—A. In boats.

Q. Do you know the number of boats engaged in this fishery ?—A. I should say that on the portion of the coast I have mentioned there would be 1,000 boats.

Q. Can you give us an idea of the average catch of such a boat ?—A. It would be one hundred and fifty quintals.

Q. How many men are in the boats ?—A. There are two men per boat. They generally reckon three men to each boat—two in the boat and one man on shore to cure the fish.

Q. And this business of catching codfish is carried on up to the present time ?—A. Yes.

Q. Is it in a prosperous condition ?—A. Yes.

Q. At the present moment ?—A. Yes.

Q. You have said that this coast is celebrated for furnishing a supply of bait. I take it for granted that the fish so procured is taken on shore ?—A. Yes.

Q. The whole of it ?—A. Yes.

Q. How does the prosecution of the mackerel-fishing affect the supply of bait for cod-fishing ; do you use mackerel-bait ?—A. Yes.

Q. Does the prosecution of the mackerel-fishing interfere in any way with the supply of mackerel-bait ?—A. It does.

Q. The Americans catch large quantities of mackerel on the shore ?—A. Yes. Of course, at a certain time of the year mackerel form the only bait that can be taken.

Q. You are intimately acquainted with that question ?—A. Yes ; especially on the Gaspé coast and in the Bay of Chaleurs, at a certain time of the year the only bait that can be caught is mackerel ; this is during times when herring and other bait fail. Then the fishermen rely on mackerel for bait.

Q. Then you say that there is a season when the cod-fishers depend for bait entirely on mackerel?—A. Yes.

Q. And during that period the large catch of mackerel taken by the American fishermen affects the supply of this bait?—A. Yes.

Q. To the detriment of the cod fishery?—A. Yes.

Q. Do you know the number of the American cod-fishing fleet in the bay?—A. I have heard from American captains who come to the bay—I have questioned them repeatedly on the subject—that the number of the cod-fishers was about 500—between 400 and 500 in the bay.

Q. Where do they procure their bait?—A. The generality of them procure it on the coast.

Q. How do they get it?—A. In nets. They take their herring in nets.

Q. And what else?—A. Squid; they also seine caplin on our coast.

Q. Do the Americans ever use mackerel for bait?—A. Of course; that they take.

Q. Do you consider that their right to procure fresh bait on this coast is a necessity to insure the success of the American cod-fishing fleet?—A. Yes.

Q. Why do you consider this to be the case?—A. It seems to me that it would be impossible for them to carry on the fishery if they had not the right to come on our shores for bait.

Q. Why do you consider that they cannot get it anywhere else?—A. They require fresh bait to catch codfish.

Q. Why must they get their bait here in these places on our coast?—A. Because they cannot procure it elsewhere.

Q. And during all this period and the number of years of which you have spoken, have the Americans been in the habit of getting it here?—A. Yes.

Q. And of catching it?—A. Yes.

Q. Where do they get the nets with which they catch it?—A. The bring them with them. I have besides seen them purchasing nets from merchants on our shore. When a vessel happens to lose its nets outside, they come in and buy nets from our merchants.

Q. Where did they get their bait after the abrogation of the Reciprocity Treaty?—A. They ran the risk of capture to obtain it within the three-mile limit.

Q. Year after year?—A. Yes.

Q. How do you know that?—A. I have seen them do so.

Q. They kept on doing so notwithstanding the abrogation of that treaty, in order to obtain fresh bait inshore?—A. They had to get bait whether they had a right to do so or not.

Q. Have you had any communication with the Americans on the subject?—A. I have.

Q. What do they themselves state about it?—A. That they had no alternative, but that they had to procure bait or else go without fish.

Q. Can you tell us what the usual fare of their cod-fishing vessels is?—A. As far as I have been informed by themselves, I should say that it is from 700 to 800 quintals.

Q. That is their average fare?—A. It was so reckoned by them.

Q. Is the cod-fishing business a certain business?—A. Yes.

Q. It is not a precarious business at all?—A. No; one year it will diminish, but it will not fail altogether, and the next year the fish will be more abundant. We generally have alternate good years—one year will be good and the next indifferent; but this fishery never fails altogether.

Q. And, generally speaking, is it a very profitable business?—A. It is a profitable business.

Q. Have you known of any exportation of cod to the United States during your experience in the cod fishery?—A. I am aware that a couple of assorted cargoes were sent there by one of our principal firms on the coast of Gaspé during the Reciprocity Treaty; but that is all I am aware of that has been dispatched to that market by our merchants. An American firm was established in Gaspé during the Reciprocity Treaty—in Gaspé Basin and the Bay of Chaleurs, but they only remained there for three years; and they used to export fish, cod and herring, to the States. Mr. Miriam was the principal in the firm.

Q. They did not find it successful?—A. They did not succeed, at all events; they only continued operations during three years.

Q. We understand that you ship fish in a dried and hard state to foreign markets?—A. We do.

Q. And where do you ship the green and large fish?—A. To Quebec and Montreal.

Q. You find this profitable?—A. Yes.

Q. And the best market for these fish?—A. Yes, for that quality of fish. We do so year after year.

Q. You have continuously a knowledge of the state of the American market?—A. Yes.

Q. And you find that the places you mention are the best market for your fish?—A. Yes, for green and pickled fish. We send the large table fish to Montreal and Quebec.

Q. These are large and green fish such as the Americans catch and use?—A. Yes.

Q. Did you ever hear of a Canadian vessel fishing in American waters?—A. No.

Q. Was the sending to the States of the two cargoes of which you have spoken a profitable enterprise?—A. No. I have heard the agent of these firms say that it did not pay, and that for this reason they did not make any further shipments to that market.

By Mr. Dana:

Q. When did you enter into business on the south side of the River St. Lawrence?—A. In 1856.

Q. You entered into business as a dealer in fish there?—A. Yes.

Q. And you dealt in mackerel, did you not?—A. Yes. When fishing we used to seine for mackerel on the coast when we had an opportunity for doing so.

Q. You had an abundance of mackerel on your coast?—A. Yes; they were very abundant.

Q. And you could always catch all you wanted with seines?—A. No; we could not—not as much as we wanted.

Q. But as much as you could find a market or use for?—A. I have seined as much as 50 barrels at one haul of the seine.

Q. What did you do with the mackerel which you caught on the north coast?—A. We sent them to Montreal, which was our market for them.

Q. In what state did you send them there?—A. In the round state and salted. They were not split up the back after the manner of the Americans. The belly of the fish was left open and they were filled with salt and packed in barrels.

Q. Did you keep any mackerel for bait?—A. O, yes; we used them for bait when we had no other bait.

Q. At what season of the year is there no other bait? You have men-

tioned some six kinds suitable for cod-fishing?—A. Yes.

Q. During what period do you get nothing save mackerel for bait?—A. During August; bait is then scarce. When the mackerel are most plentiful it would seem as if they drive away all other bait.

Q. At all events other bait does then disappear?—A. Yes.

Q. And that is the time when you use your seine most actively?—A. Just so.

Q. Did it occur to you that by doing so, you were diminishing the amount of bait for the taking of cod?—A. No; it did not appear so to us.

Q. You did not think of it?—A. The quantity which we took with the means we had did not seem to have such an effect.

Q. Do you think that the seining of mackerel does sensibly diminish the amount procurable for bait?—A. When seining is carried on to excess, of course it would have such an effect.

Q. Has it ever, to your knowledge, been carried on to excess on the north shore of the River St. Lawrence?—A. I am not aware that such is the case, to my own personal knowledge, but I have heard that it has been done.

Q. I understood you to say that the catch of mackerel had caused a great diminution in the supply of bait for cod, and that the quantity caught was an evil and an injury; do you mean to say so?—A. Yes.

Q. Do you now say that the amount of mackerel caught has been sufficient to diminish sensibly the supply of bait for codfish?—A. This is the case, of course.

Q. In one sense that is true. Every mackerel taken makes one less in the ocean; do you think much of that aspect of the matter?—A. Well, no; I suppose not.

Q. You said that mackerel were not caught along the north shore in sufficient quantities to cause any particular inconvenience with regard to the finding of bait?—A. The fact that we confined ourselves to one cove or two on each side of us makes that true.

Q. Have you been at Seven Islands?—A. Yes.

Q. Did you hear any complaints from cod-fishermen there that they could not get mackerel for bait?—A. Yes.

Q. That it could not be found?—A. They said that they could not get it.

Q. There was enough mackerel everywhere; there was an abundance of them; and you have seen them extending for miles in the water?—A. Yes.

Q. Why could they not be got; you say there are plenty of mackerel?—A. Yes.

Q. What is the trouble then; had you not better alter that statement?—A. Which part of the statement?

Q. That there was such a diminution of the mackerel as to cause a sensible injury to the cod-fishery; do you not merely mean to say that there might be mackerel enough seined in certain localities as to create such a diminution for a time; did you mean anything more than that?—A. Well, on our coast of Gaspé that is the case.

Q. I am referring to the north side of the river. What do you mean then, that there might be such over-fishing for mackerel as to cause a temporary diminution in the amount of bait obtainable in certain places at certain times?—A. Yes.

Q. And there are mackerel enough on that coast to catch all the cod on the coast?—A. That is not exactly the case.

Q. Did you mean more than that there might be such over-fishing for and such an over-catch of mackerel as to cause a diminution of the

mackerel bait, which can be obtained at certain places in certain times?—  
A. Yes.

Q. That is what you mean to say?—A. Yea.

Q. Did you ever sell clams to the Americans?—A. No.

Q. Have your people ever done so?—A. I have heard of our people selling them clams.

Q. When did you change your residence from the north to the south shore of the Saint Lawrence?—A. In 1873.

Q. Since 1873 have you had any personal knowledge, from personal observation, of the state of the fishery on the north coast?—A. No.

Q. Since you have been on the south shore, in Gaspe, or in that neighborhood, have you found the people there engaged in catching cod?—A. Yes.

Q. And not mackerel?—A. They do catch mackerel.

Q. But not to a great extent?—A. No.

Q. When you speak of having counted eighty American vessels in one day alone, in what year did you do so?—A. I am not aware of having said so.

Q. What did you state on the subject of counting eighty?—A. I am not aware of having said that.

Q. Did you at any time count as many?—A. O, yes.

Q. How long ago was that?—A. It was during the Reciprocity Treaty, and during the time when the cruisers were out. That was the time when the Americans were most numerous on our coast.

Q. That was before you left the north side of the river Saint Lawrence?—A. Yes; and also before I left the south for the north shore, during the Reciprocity Treaty.

Q. You left there in 1853?—A. It was in 1856. I then had opportunities of seeing the American vessels.

Q. Then your counting was done before you went to the north side of the Saint Lawrence, and while on the north shore?—A. Yes.

Q. You were on the south shore in 1875 and 1876?—A. I was there in 1874 and 1875.

Q. In the report of the Commission of Fisheries it is stated, on page 164, that—

From all accounts there appears to have been a large quantity of mackerel in Gaspé Bay about the end of July and the beginning of August; but owing to the great heat, they would not bite. Very few were caught, and the fish soon disappeared. Some fishermen claim that the steamers passing along the Gaspé Bay shores frighten the mackerel.

Q. Have you heard that the mackerel are so frightened?—A. I am not aware that it is the case.

Q. You have heard of it, have you not?—A. Yes; though I do not believe it. I think that something else besides the steamers frightens away the mackerel.

Q. Do you think that the reason why so few were caught that year was that they would not bite, or was it because there were not enough of them?—A. Well, it is very likely that they would not bite. That is the case with codfish, you know. Very often they are plentiful on the fishing grounds in shoal water. I have seen them as thick as two feet in depth on the bottom, and on trying to catch them with the hook and line they would not touch the bait.

Q. Do you know how hot it was down there?—A. They would not touch the bait at all, though they were as plentiful as they could be. One could not even see the bottom in two fathoms of water for them.

Q. Do you think it was the heat which prevented them from biting?—  
A. I could not say. There are certain hours in the day when they will bite, and certain hours when they will not bite; and one thing they did was, the moment they saw the bait coming down to them, they would actually smell it, and turning round just give it a clip with their tail, and then go down and eat the bait after it was off the hook. I have seen that with my own eyes, and I would never have believed such a thing to be possible if I had not witnessed it; though a few hours afterwards they would bite ravenously.

Q. That was not the time or hour when they took their bite?—A. I suppose not. It was either before or after dinner, I suspect. When the codfish strike on the shore, it is just like a gale of wind on the water; you see nothing but the tails of the fish above the water. Such was the case in Sheldrake Bay. They come there playing with the lantz, and the water, as it were, resembles a pot when boiling.

Q. Do the people of Anticosti sell fish in the American market, or have they done so?—A. They are generally dealers of the merchants on the coast of Gaspé.

Q. They sell to the merchants there?—A. Yes, and ship to Quebec.

Q. There is not capital or enterprise enough among the mercantile houses on Anticosti to undertake the foreign trade?—A. There is; the merchants of the Gaspé coast have establishments there all along the north shore.

Q. What fishery do they mostly prosecute?—A. The cod-fishery.

Q. What do they do with them?—A. Dry them and ship them to Brazil, Spain, and Portugal.

Q. In the same way as your houses do?—A. These are our houses who have these establishments on the Island of Anticosti; a number of schooners from Gaspé also fish for Gaspé firms there, fishing during the summer and bringing their fish over to Gaspé in the fall.

Q. Do your people catch halibut on the Anticosti coast?—A. They do not especially fish there for halibut.

Q. They only do so accidentally?—A. Yes, at present, because they are now very scarce.

Q. Do you know how the mackerel fishing was on the shores of Anticosti during the seasons of 1875 and '76?—A. I do not.

Q. Have you ever heard it said that no mackerel were seen near that coast during the season of 1875?—A. I could not say.

Q. In order to send your fish to foreign markets—European and South American—you thoroughly dry them and you send them to Quebec and Montreal in as fresh a state as is possible?—A. We send them to the latter places in the salt and pickled state.

Q. And not dried?—A. We do send them dried; we dry the large table fish and send them to Montreal.

Q. But not so hardly dried as for tropical voyages?—A. No. We generally ship these large fish to Quebec and Montreal in the fall.

Q. They are not shipped there to be sent to foreign markets?—A. No.

Q. They are for home consumption?—A. Yes.

Q. Do you find that these markets are sufficient for the amount which you catch and prepare, in addition to what you send to West Indies and Europe?—A. Yes.

Q. At present?—Y. Yes. Those fish go throughout the Dominion to the westward.

Q. So you have no occasion at present, you think, to find a further market for the same kind of fish?—A. If we could find a better market of course we would take advantage of it.

Q. But you think that these places furnish at present market enough

for the amount of fish that you now catch; you said you sent all the fish you cure in the way you mentioned to Quebec and Montreal?—A. We send only a certain portion of our fish to Montreal. Quebec and Montreal would not, of course, be a sufficient market for the whole of our catch. The fish we send to Quebec and Montreal are fish which we cannot send anywhere else; for this reason, that these are fish caught late in the fall, and consequently they cannot be cured properly for foreign markets.

Q. When do you cure your codfish for the European, West Indian, and southern markets?—A. We so cure them until the latter end of September. Fish caught until then can be cured for the foreign markets, but after that they cannot. There is not afterwards sufficient time for curing for such shipping purposes.

Q. For the fish caught afterwards you wish to find a market nearer home?—A. Just so.

Q. You say that two merchants sent cargoes of that sort of fish to the United States?—A. The fish they sent, I think, were chiefly herring.

Q. Did they try cod?—A. I could not say.

Q. Do you know of any experiment made with regard to sending cod into the American market from your shores?—A. I know positively that Mr. Miriam, of the American firm, sent codfish there.

Q. But I mean by yourselves?—A. I am not aware that any of our folks did so.

Q. Mr. Miriam was on the coast for three years?—A. I think so.

Q. Was he not dealing in the American market?—A. O, yes.

Q. Was it not generally known among the people of Gaspé, and of that neighborhood, that he was sending codfish into the American market?—A. It was.

Q. Can you account for any well-informed merchant there being unaware of it?—A. They were perfectly aware of the fact.

Q. And they knew that these fish were prepared in the same way as you prepare them for Quebec and Montreal?—A. Just so.

By Hon. Mr. Kellogg:

Q. There was another company in Bouaventure, was there not?—A. That is the same company.

Q. Did they cure the fish for the Americans as they did for the southern market?—A. They cured them for the American as we cure them for the Montreal market. They generally bought their fish from the inhabitants of the country.

By Mr. Dana:

Q. Were you personally acquainted with the mode in which the fishery in the Labrador regions is carried on down to Blanc Sablon?—A. I believe so; I have carried on the fishery there myself.

Q. In the same way, substantially, as has been described?—A. Yes; it is our fishermen from Gaspé who go down there.

Q. And your dealers and your merchants in the same way as has been mentioned?—A. Yes. They have establishments and keep a number of boats there, in the same way as at Gaspé and on the Bay of Chaleurs.

Q. On page 83 of the fisheries report for 1876 appears the following statement:

The fears entertained during the fall of 1875 regarding the probable trials to which the greatest part of the population of the north coast would be exposed, especially that of Point des Monts and Mingan, on account of the total failure of the fishery during the season of 1875, were unfortunately but too well realized, and no one can form an idea of the hardships and sufferings which these poor fishermen had to bear from the month of November to the 15th of July last.

This was in 1875?—A. I suppose so.

Q. Is that correct?—A. I think it is rather exaggerated. If that had been the case I think that I should have heard something about it.

Q. Did you ever hear anything about it?—A. I did not.

Q. You never heard of there being great want and suffering and hardship experienced as described?—A. No. He speaks of Mingan, but that, you see, is not a fishing station at all. This misery and suffering must have taken place among the Indians at Mingan, because Mingan is a station of the honorable the Hudson Bay Company.

Q. How is it at Point des Monts?—A. Point des Monts is not a fishing station at all. This is in the Province of Quebec.

Q. Was there no suffering on the north coast in 1875 and 1876?—A. I am not aware that I ever heard anything about it at all.

Q. The report continues:

It was really a painful sight to behold these men, women, and children, with ghastly faces and emaciated bodies.

WITNESS. I think that Commandant Lavoie exaggerates there.

Mr. DANA. The report further states:

This poor population received no assistance from the provincial government, and, as I stated in my last report, there was no locality which deserved it more. Several families from Moisie, Ste. Marguerite, and Seven Islands never saw as much as a thimbleful of flour for seven weeks, and were compelled to satisfy their hunger with boiled clams, painfully torn from the ice.

WITNESS. That was either in the winter or spring.

Mr. DANA. The report states it was from November to July. It further says:

These families had therefore reached the last degree of exhaustion when the first schooner arrived with provisions.

Q. Do you know of any vessel that arrived with provisions?—A. That would refer to a schooner from Quebec.

Q. Did she come from there?—A. That was likely the case.

Q. Do you know that it was the case?—A. I suppose it was. The first vessels that reach that coast in the spring are from Quebec.

Mr. DANA. The report continues:

At this supreme moment, when despair, increased by hunger, was on the point of taking hold of parents who could no longer procure their own food and that for their children, there were found inhuman merchants who were still cruel enough to speculate upon this distress and suffering. They were not ashamed to sell, by the weight of gold, the mouthful of bread to these poor people who claimed assistance in their pressing need. One of these merchants sold barley flour \$8 a barrel; another was not ashamed to give \$3 for the skin of a silver fox worth fifty. During the month of July the position of that population had not improved, owing to the total failure of the cod-fishery.

Q. Do you remember that there was then a total failure of the cod-fishery?—A. No; I do not suppose that those people were fishermen at all. The writer evidently refers to the people who had been in the employ of the Moisie Iron Company. This company failed, I believe, in 1875, and those people had evidently been in the service of the company.

Q. They are all at the service of some large merchants?—A. But this was an iron company and not a fishing concern at all. I think they failed in 1875.

Mr. DANA. The report further states:

And when I visited Seven Islands and Ste. Marguerite, there were neither flour, meat, fish, nor credit with merchants. I found these poor people in such a state of destitution, that I took upon myself to assist about a dozen of them out of our own

stock of provisions. As most of these families hailed from Magdalen Islands, I advised them to return amongst their people. I promised, on leaving them, to engage their friends to send a vessel to fetch them back, which I easily succeeded in doing; and a few weeks afterward, most of the colony which migrated to Seven Islands had returned to Magdalen Islands, where it will be a standing lesson against any future attempt at emigration. In the other divisions of the north coast, such as those of Mingan and Bonne Esperance, the few barrels of flour which were distributed by the provincial government prevented such distress as that which was noticed at Seven Islands and Ste. Marguerite; still the arrival of the first traders was anxiously looked for. The failure of the fishery during the first months was not very encouraging, but things fortunately improved toward the end of the season, and fishing gave very satisfactory results.

**WITNESS.** The cod-fishery never fails.

Q. Do you think that such a failure is at any time likely?—A. No, it is not as long as there is bait with which to catch the cod. It is a fish that reproduces immensely—immensely.

Q. You do not think that there is any real danger arising from the use of the new method for catching cod?—A. I am not acquainted with these new methods. To which do you refer?

Q. I allude to some other way of catching them than with the hook. Do they fish for cod with seines?—A. They do on the north shore when the fish come in shore plentifully.

Q. Taking all the seining and all the trawling which you and the Americans have done, do you think that this threatens any real peril to the cod-fishery of the North American Ocean?—A. No, I do not think that any real peril is to be apprehended. Of course the number of fishermen increases every year, and the fish require to increase as well, because the population on the fishing coasts is increasing; and then from year to year of course the number of boats increases, while on our Gaspé shore the fishing is beyond question the backbone of the country; that is to say, it is to be mainly depended upon for the support of the people, because agriculture is not very much developed there, I am sorry to say, and this is a great detriment to the country, though it is not, rightly speaking, an agricultural country. The winter is too long and the summer too short for that.

By Mr. Weatherbe:

Q. I understand you to say that the destitution referred to in the report read arose from the failure of iron works?—A. Yes, I can prove that, because this took place at Moisie at the same time. At the same time I think that the report in question is exaggerated. This is my candid opinion.

Q. If I understood Mr. Dana's question it related to destitution among fishermen?—A. I understood it so.

Q. And when Mr. Dana continued to read from the report you suggested that this destitution was among the miners?—A. Yes.

Q. Owing to the failure of the company you mentioned?—A. Yes.

Q. Was the Moisie Iron Company an English company?—A. No, it was a Canadian company. Molson, of Montreal, was prominently connected with it.

Q. Did this company fail owing the men large amounts?—A. That is a question which I cannot answer.

Q. What did you hear about it?—A. I heard that the company failed, and that in consequence a great deal of misery was entailed, because the employés numbered some 500 or 600 men.

Q. But the cod-fishery never fails?—A. No.

Q. And it never has failed?—A. The last sentence of the report read

will convince you of that, when he says that at a certain time the fishing had improved, and that things were or would be all right again.

Mr. WEATHERBE. The report continues:

There may be a falling off in certain kinds of fishings, but those upon which the fishermen of this division mostly depend, such as cod and salmon fishing, were very satisfactory, as well with regard to the yield as to the value.

Mr. DANA. That was during the season of 1875—that is, the next year.

Mr. WEATHERBE. At the outset this remark is made:

On account of the total failure of the fishery during the season of 1875.

WITNESS. That never took place to my knowledge.

Q. And as parts where such total failure occurred, special reference is made to Point des Monts and Mingan?—A. They are not fishing-stations.

Q. Mingan is an Indian settlement?—A. Yes, the only residents of the place are Indians employed by the Hudson Bay Company.

Q. I believe that the gentleman who writes this report had not much experience in this business?—A. That report must contain a great deal of exaggeration. I am not aware of there ever having been such distress as is there mentioned. If this had ever occurred, I would certainly have heard something about it.

#### No. 41.

LOUIS ROY, of Cape Chatte, Gaspé, fish merchant, formerly fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. What is your age?—Answer. Sixty-nine.

Q. Have you ever fished?—A. Yes. I have been a fisherman myself for about fifteen years.

Q. When you were young?—A. Yes.

Q. What did you do afterwards?—A. I traded with the fishermen.

Q. What kind of a trade? Did you trade in fish?—A. Yes.

Q. What part of the coast of the river St. Lawrence are you acquainted with?—A. From Cape Chatte to Cape Gaspé.

Q. What is the distance between those points?—A. About 140 miles.

Q. That is on the south coast?—A. Yes.

Q. Do you know anything of the north coast?—A. I have some knowledge of the north coast, but am not so familiar with it as with the south coast.

Q. What extent of coast on the north side do you know?—A. About 160 miles.

Q. That would make a length of three hundred miles of the river coast that you are acquainted with?—A. Yes.

Q. Is it to your knowledge that the Americans have been fishing on that part of the river St. Lawrence?—A. O, yes. They have fished near my place very often.

Q. When did they begin to fish on that part of the river?—A. About 1854.

Q. The time of the Reciprocity Treaty?—A. Yes.

Q. Until then you had never seen much of them?—A. O, yes. I saw many during the ten years previous to that.

Q. But they came in large numbers after that date?—A. Yes; they

came in large numbers for about six or seven years. But after that they came in less numbers.

Q. You mean during the last years?—A. Yes.

Q. At the time they were frequenting that part of the river, how many sails have you any knowledge of as visiting the coast?—A. From Cape Gaspé to Cape Chatte?

Q. Yes, and on the north shore also.—A. About 250 or 300 sails.

Q. Schooners?—A. Yes.

Q. What was the general tonnage?—A. About 70 or 80 tons.

Q. That is the average?—A. Yes. There would be some 50 tons and some 120.

Q. You say that many visited during one season?—A. From spring to fall? O, yes.

Q. After the Treaty of Reciprocity?—A. Not so much.

Q. You mean not so much after the treaty was terminated?—A. Yes.

Q. But during its existence?—A. Well, about the number I have stated.

Q. Were they fishing for fish to trade with?—A. Yes.

Q. What kind of fish was it?—A. Cod.

Q. Where was that cod caught?—A. Do you mean what distance from the shore?

Q. Yes.—A. Within three miles.

Q. Well, out of those 300 miles you have spoken of where could cod be fished for out off the coast?—A. Well, for about 15 or 20 miles of the north shore. On the south shore there are none at all outside. You can't catch them off beyond three miles of the south shore.

Q. Where are those fifteen or twenty miles?—A. From Mingan.

Q. Have you any knowledge of the catch that one of those schooners would take, neither the largest nor the smallest? Take an average.—A. About between 500 and 600 barrels, each vessel.

Q. For the whole season?—A. Yes; because some of them made two trips and some three.

Q. Well, then they would not take 500 or 600 barrels each trip?—A. No, no; I mean for the whole season.

Q. Is the cod as abundant now as it was thirty or forty years ago? Do you get as much?—A. O, yes, as much as thirty or forty years ago. I am sure of it.

Q. What kind of bait do you use to take cod?—A. Well, we use caplin, herring, and sometimes mackerel—launce.

Q. Squid?—A. Yes.

Q. Where is that bait taken?—A. Very close to the shore—within a mile.

Q. What kind of bait is required to fish for cod?—A. The kind I have said.

Q. But can you use salt bait?—A. O, sometimes we use it, but we don't do much with it. It is a very poor bait.

Q. Now, as to the mackerel, is that the fish for which the Americans were fishing on that part of the river?—A. Yes.

Q. Where is the mackerel taken generally?—A. It is within three miles, because always the fat mackerel is inside of a mile—close by.

Q. Well, from the knowledge you have of the locality, do you think you would see many American schooners if they were prevented from fishing within three miles of the shore?—A. No.

Q. Would it be profitable for them?—A. They cannot do it. They would not come, because they would not catch enough to pay expenses.

Q. Are many of your people denoted to fishing?—A. Yes; every one fishes. They must.

Q. Is it only for their own use, or to trade with?—A. To trade as well.

Q. Have you any idea what quantity of fish is taken by the Canadians in that part of the river?—A. O, yes; I have a memorandum here. I calculate that the catch of codfish from Cape Chatte to Cape Gaspé, along the coast, is about 220,000 quintals of dry fish, valued at \$4.50 a quintal.

Q. Do you know if much of that is exported to the United States?—A. Not at all; not any.

Q. As to mackerel, you can't say?—A. No. Do you not want to know what quantity is sent to Quebec and Montreal?

Q. Yes. Is that in addition to what you have already given?—A. No; that forms a part. The quantity of green fish that we send is about 26,000 barrels a year, and the quantity of large green fish in draft is about fourteen or fifteen thousand quintals. The large table-fish, dried fish, amounts to about 9,000 quintals.

Q. Well, altogether, it makes, you say, a quantity of —.—A. I have not reckoned.

Q. But then this is exclusive of the quantity exported to other countries?—A. Yes; to be sure.

Q. Did you ever hear of any Canadian going to fish in American waters?—A. No; I am sure none go there.

#### No. 42.

MONDAY, August 27, 1877.

The Conference met.

JOHN F. TAYLOR, of Isaacs Harbor, in the county of Guysborough, N. S., fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. What has been your occupation?—Answer. A fisherman for the last forty years nearly, with the exception of 4 or 5 years, latterly, that I have been deputy gold commissioner.

Q. During these 40 years you have fished in vessels?—A. Yes.

Q. Your own?—A. Yes; I was part owner.

Q. Where, during the time you were engaged in the fisheries, did you chiefly fish?—A. In the Gulf of St. Lawrence principally.

Q. What kind of fisheries did you prosecute?—A. At some seasons the mackerel and at others the cod fishing.

Q. Do you mean in the same year, that you prosecuted these different kinds of fishing?—A. Yes; in the same year. Generally in the spring voyage I would go for codfish.

Q. Where would you go on your cod fishing voyage? What part of the Gulf?—A. I would fish on the north side of Prince Edward Island, on Bradley and Oliphant Banks, and as far down as Gaspé and Bonaventure.

Q. Did you fish inshore for codfish?—A. No; I fished at a distance, 10 or 15 miles.

Q. On the Banks chiefly?—A. Yes, sir. Off Bonaventure there were fish in about 45 fathoms of water always. There were no special banks there. It was a fishing ground in 45 fathoms of water. Besides that I have always fished on some of the Banks.

Q. What time of the year would you get through your spring voyage?—A. In June. About the last of June we would get through.

Q. And then you would commence mackerel fishing, would you?—A. Yes.

Q. Where did you prosecute the mackerel fishing?—A. On the north side of Prince Edward Island, at the mouth of Bay Chaleurs, about Point Miscon, and on the north side of Cape Breton, from Cheticamp to Port Hood.

Q. How far from the shore did you generally take your mackerel catch?—A. From two miles to as near as we could go to the shore.

Q. Then, as I understand, you scarcely ever caught mackerel outside of two miles from the shore?—A. Very seldom.

Q. The catch, you say, in fact was from two miles to within as close as you could get to the shore?—A. Yes; as close as we could get without grounding the vessel.

Q. Was that your experience during all your voyages for mackerel, year after year?—A. With the exception of one year that was my experience.

Q. What year was the exceptional one?—A. I could not point out exactly the date. I think it was either 1850 or 1851. The mackerel that year were on the northern side of the river Saint Lawrence, that is, the principal part of what was taken, except it was very late in the fall.

Q. In which direction from Seven Isles, east and west?—A. Yes; from Seven Isles both east and west, between 9 and 10 miles off.

Q. Was this your own catch?—A. Yes; and of the fleet that was with me principally.

Q. How many were with you?—A. About 150 or 200 sail.

Q. American vessels?—A. Not all. There was about five or six Nova Scotia vessels, I think.

Q. All the rest of the vessels were Americans?—A. Yes.

Q. Well, you say that year was an exceptional one along this shore; you did not take these close inshore?—A. No; we fished them within 9 or 10 miles of the land on that shore.

Q. Do you mean within 10 miles and beyond 3 miles?—A. Yes; it was more than three miles out, perhaps 9 or 10 miles. That was what we used to judge ourselves.

Q. How long were you on that trip? Was it the whole season?—A. No; about three weeks, the mackerel lasted there that season.

Q. Where then did you go?—A. The next catch was on the north side of Cape Breton, late in the season—late in October. About the 18th of October they struck in there.

Q. Did they go inshore?—A. Close in. The closer you could get the better.

Q. They came close inshore?—A. Yes.

Q. Well, how many did you catch that time you went to the north shore of the St. Lawrence?—A. I think we had 120 barrels.

Q. You managed to get that in three weeks?—A. Yes; there were nine hands.

Q. What did you catch on the shores of Cape Breton inshore?—A. About 100 barrels; just 100 barrels.

Q. Then, I understand that all the years you have been fishing you never succeeded in getting them outside with the single exception of these years, 1850 and 1851?—A. Yes.

Q. That is your experience after 40 years' fishing?—A. Yes; from 1840 to 1854 that is my experience. Since that I have been in the bay

several times, not mackerel fishing but cod fishing. We always have to go inshore for bait, once or twice.

Q. Now, in all your experience, from what you have heard or from your own personal experience, did you ever know of mackerel being taken otherwise than inshore, except in those seasons you have spoken of?—A. No; I never knew voyages made offshore, except that one season.

Q. During that season that you say you got them offshore, do you know of your own knowledge whether there was any caught inshore at the same time that you were catching offshore?—A. There was not. They were scarce. There was a few taken on the south side of the St. Lawrence, about Fox River one or two days, but it was very few.

Q. In the fall of the year then they struck inshore?—A. Yes; they struck inshore on the north side of Cape Breton.

Q. Such another year as that you never knew before or since?—A. No; not that a vessel made a trip entirely offshore—a full trip—I never knew it.

Q. Will you tell me would it be possible, from your experience of mackerel fishing, for it to be successfully carried on, either by Canadians or Americans, unless they had the right to fish inshore?—A. No; they could not carry it on successfully. They could not carry it on at all, that is to make anything out of it.

Q. Now, with reference to the cod fishing, is it possible that that fishery could be carried on in the gulf at all, unless access were had to the shore for fresh bait?—A. In the gulf? It might perhaps be carried on in the Gulf of St. Lawrence. You can get bait a great deal of the time in nets. You can get bait enough very often to line-fish, but not for trawling, without access to the shores.

Q. Where do you get it in nets?—A. They sink them alongside the vessel. You will sometimes get pretty good hauls; sometimes you will be a week without getting any.

Q. Now I want to ask you whether any man in his senses would send a vessel out cod fishing upon the chance of getting bait out in the gulf if he might have to wait for a week?—A. No; I think the fishery is not carried on in that way.

Q. Well, in fact, where do the American fishermen get bait for cod fishing in the gulf?—A. They will run inshore.

Q. How far from the shore?—A. Sometimes as close as they can get. Perhaps closer than they can with the vessel. They will go in boats to get it.

Q. Is all the bait, as a rule, taken within two miles of the shore?—A. Principally all.

Q. Now, without that privilege could the Americans successfully prosecute cod fishing in the gulf?—A. Not successfully, sir. No; they could not. Formerly it was done when they hand-lined all their fish. When they caught them by hand-lines it used to be done. They used to get their bait alongside, but when they fish in trawls they can't do it at all. They can't get bait for trawls on the Banks, on any of the Banks in the gulf.

Q. When they fished with hand-lines didn't they come inshore?—A. Sometimes they came inshore and sometimes they sunk nets. The nets generally sunk to the bottom, or nearly to the bottom.

Q. How far was that from the shore?—A. On the Banks where they were riding.

Q. Formerly they could do that?—A. Yes.

Q. Was not that a risky business?—A. Yes.

Q. That is an uncertain busines!—A. Yes. You might stay a week and get none.

Q. Now, I ask you again whether any person would prosecute that fishery if that precarious means were the only means of getting bait?—A. I would not.

Q. Do you think any prudent man would?—A. I think not.

Q. Then, in fact, unless they came close inshore for bait, they can only get a precarious supply on the Banks by sinking nets, and might have to wait a week without getting bait, if they did get it at all. Is that so?—A. That is so.

Q. Then do I understand that in fact to a prudent man it is absolutely necessary for the cod fishing in the gulf that he must have access inshore for bait?—A. Yes.

Q. Now, since the Washington Treaty they have the privilege, as you are aware, of transshipping their cargo, landing where they like, and sending them to markets, and going back to fish again. Is that, in your judgment, a privilege or not?—A. It is a privilege. I think, certainly, it is a privilege.

Q. A man can make two trips, two voyages, where he otherwise could make only one?—A. By landing and transshipping he can land in 24 hours. He can come in and land his cargo and be ready to go on the fishing-ground again.

Q. It is a valuable privilege, you think?—A. I do.

Q. Does it not enable a vessel to go back at once in the height of the fishing season?—A. Yes.

Q. What time, if they had to go back to the home port, would they probably lose, if they had not this privilege?—A. It takes about a fortnight to go to any of their ports pretty much. They can't be there and back again in less than that.

Q. Then that would be lost, and they save it by transshipping, do they not?—A. They need be away only two or three days by transshipping.

Q. Then it is a saving of ten days?—A. Yes.

Q. And you say it makes a difference of at least one trip in the season?—A. I think so, and more too.

Q. That much at any rate, and more too, you say?—A. I think so.

Q. Is it two trips?—A. No; perhaps not.

Q. But some years, I suppose, it would be two?—A. Yes; it certainly makes a difference of a trip.

Q. During the time you were actually engaged in the fisheries in the gulf, about what number of American vessels were there at the same time, year by year, in the gulf, putting a low average?—A. I think 400, or perhaps 450.

Q. Then at a low average you put down 450?—A. During the years from 1840 to 1854 I put it at that.

Q. That, you say, is a low average?—A. I think so. There were some years—one year—1,000 sail, some years 700, some years 800.

Q. Those are all mackerel fishers?—A. Yes; the mackerel fleet alone.

Q. What was the number of cod-fishers at the same time?—A. Perhaps 100 sail would be the average.

Q. That you think a low average for the cod-fishing fleet?—A. I think so.

Q. Do you know anything of what the cod-fishing fleet around Gaspé, Miscou, and along the North shore of the Saint Lawrence was during that time?—A. I used to see them when we would be over there. D on Bradley and Oliphant and Bonaventure grounds, that was the range, and along the north side of Prince Edward Island.

Q. And from your knowledge you fix the average at 100?—A. I think that was about the average. While the large fleets of mackerel-catchers were in, the average of cod-fishers would be about 100, but the cod-fishers increased afterward.

Q. What would be the average catch of each vessel, by the season, during your time, whether she made two or three trips?—A. The average?

Q. Yes; for the whole season; some would be more and some less, but strike an average?—A. 600 barrels, I suppose, would be the average.

Q. That is a low average, perhaps?—A. I think so.

Q. Are you not quite sure that you are within the mark, putting that as an average?—A. I think I am.

Q. When you put the average number of vessels at the low figure of 450, you don't mean to say it may not be more, but that you want to be within the mark; is that so?—A. 450 is a very low average, I should think. A vessel making two trips, you see, would have 300 barrels each trip. 300 barrels each trip would not be considered a heavy trip at all; but when they made three trips, perhaps there would not be quite so many each trip. They would go quicker.

Q. Does any of them ever make less than two trips?—A. No; they all calculated to make two trips.

Q. And some more?—A. Yes.

Q. Now put it at two trips, would not 300 barrels be rather a small catch?—A. Perhaps that would be an average. A good many used to miss the fish, you know. With a large fleet, of 500 or 600 sail, I would not say the average was more than I have named.

Q. You say you think that it is a low average?—A. Yes.

Q. When the fleet averaged 500 or 600 sail, as it sometimes did?—A. Yes.

Q. Then you are entirely within the mark as to the number of vessels, and of barrels caught, both?—A. Yes; I was pretty well acquainted with all the fleet at that time. I had a brother myself in a vessel out of Gloucester, and I was acquainted with a great many of the Gloucester vessels myself.

Q. As to the number of cod-fishing vessels, can you be positive upon that? You have put it at 100?—A. I could not be positive, except as to one year. I know that from some statistics they had among themselves when I was aboard of them. That is all the number that was in the bay. It was about 104 vessels that year. I do not recollect what year that was.

Q. That was one year that you ascertained the number?—A. Yes.

Q. Was that an exceptional year?—A. No, I think not.

Q. Since the Washington Treaty, in 1871, have the Americans come in much into Canadian ports for ice, bait, &c., for cod-fishing purposes?—A. O yes, sir; they get bait on our shores principally. Sometimes when they come from home they have bait, but when they reft with bait they come to our shores for it.

Q. Then do I understand that they come with bait from their own ports, but oftener they do not?—A. Sometimes they get bait at Grand Manan in the spring. Sometimes they get it at Prospect, and sometimes farther down the shore.

Q. Then they frequently come into British waters and get their first bait for the season?—A. Yes; very often.

Q. Do they get ice at the same time?—A. Where they can get ice they get it.

Q. I believe cod-fishing requires fresh bait, to be prosecuted successfully?—A. Yes.

Q. What bait do they use for cod-fishing?—A. Herring, mackerel, and squid; those are the principal baits they get on these coasts.

Q. Do they get squid in large quantities?—A. Yes; they haul herring sometimes in seines at Orow Harbor and Cape Canso. They get them in large quantities, quite sufficient to bait.

Q. Do they chiefly fish themselves for bait in our waters, or do they buy it?—A. They buy it.

Q. Do they fish at all?—A. I have never known them to fish for it.

Q. What harbors are you speaking of when you say you never knew them to fish?—A. I never knew them to fish in any of the harbors on the Nova Scotia shore for it.

Q. They find it cheaper and more expeditious to buy it?—A. Yes, sir.

Q. You never saw them fish for it?—A. No; I never knew they did, except in Newfoundland. I have a son who is now in the business, and he says they fish for bait sometimes there.

Q. Your own experience is that they buy it in Nova Scotia waters?—A. Yes; they invariably buy it.

Q. How old are you?—A. 62.

Q. What do you estimate the privilege to our fishermen of fishing in American waters within three miles of the American coast?—A. I never knew any of our people go there to fish. I have heard there was one went there last year.

Q. Did she make such a ruinous voyage that she never went there again?—A. I never heard the result.

By Mr. Foster:

Q. What kind of fishing did you begin earliest—cod or mackerel?—A. The first trip I went in a vessel I fished for cod.

Q. What year was that, your first vessel fishing?—A. 1838, I think.

Q. Did you then fish in company with the American vessels?—A. Yes, sir; in the Gulf of St. Lawrence I did.

Q. Were the Americans cod-fishing vessels?—A. Yes, sir.

Q. Now, at that time did you know of the American cod-fishermen buying bait in your waters?—A. No.

Q. They did not use to then?—A. No.

Q. How long ago did the American fishermen begin to buy bait in your waters?—A. It is about 20 years ago since they began to buy; 19 or 20 years.

Q. That carries us back to 1857 or 1858?—A. Yes.

Q. Now, where did they first begin to buy bait?—A. On this Nova Scotian shore, I think.

Q. At what harbors?—A. Prospect Harbor, Cape Canso, and every place where they could get it along the shore.

Q. Then the first twenty years of your experience the cod-fishing fleet of the States bought no bait in these waters?—A. I think not.

Q. Now about the bait that you had been accustomed to see used for the cod; you did not mention caplin among the fish?—A. No; well, they never bought caplin.

Q. Is not that a very necessary bait?—A. Yes; but the caplin are generally deep. They get them without buying.

Q. Did they have to have many caplin in those years?—A. No; there is no caplin on these shores. In fact, they don't answer for the Banks.

Q. Then they could contrive to get along without caplin bait?—  
A. Yes.

Q. You have never been in the habit of using it much yourself?—  
A. At Labrador, but not in the Bank fishery. I never used it there.

Q. Now about squid; how long can you keep that fresh?—A. Three weeks, in ice.

Q. Could not you keep it a little longer if it was well frozen?—A. No, sir; it won't keep longer than that well. I never could keep it as long as that myself.

Q. You used to have ice in your vessel; what was the tonnage of the vessels you fished in for cod?—A. Fifty or sixty tons.

Q. Never any larger than that?—A. Sixty tons, I think, was the largest.

Q. How early did the cod-fishers begin to use ice?—A. It is eighteen or nineteen years since I first knew them to use ice.

Q. Have you ever seen salted squid used?—A. Yes.

Q. Is it used a good deal?—A. Not a great deal; never except for the fall trip. It is used for the fall trip.

Q. They will keep how long?—A. As long as you want it. They have to save it. It has to be properly salted. Then it is soaked out and used for bait. It is a good fall bait, but it is not a bait in summer—salt squid; not a good bait.

Q. Do the people use poor mackerel a good deal for a cod-fishing bait?—A. They use it; not a great deal. Herring is the principal thing.

Q. They use some mackerel?—A. Yes.

Q. Don't they use the head of mackerel and the refuse when they can get it?—A. For trawling they do.

Q. Do your boats use it?—A. Not for hand-lining. They use it for trawling. It is no bait for hand-lining.

Q. Well, perhaps you will explain the difference, why it is good for trawling and not for hand-lines.—A. The fish pick it off the bottom on the trawls, but they won't touch it on the hand-lines. That is the reason.

Q. When you first began to fish for cod, how large was the American cod-fishing fleet?—A. About 100 sail.

Q. Have you ever known it to be much larger?—A. A little larger.

Q. When was it largest?—A. I think in the year 1838 there was the largest cod-fishing fleet I ever saw in the Gulf of St. Lawrence.

Q. Well, it was as great 20 years ago in the Gulf as now, quite?—A. Yes.

Q. More, did you say?—A. I don't know that it was more; perhaps there was more then.

Q. Then it comes to this, that during the first 20 years of your experience the American cod-fishing fleet, being as large as it has ever been since, did contrive to get along without either buying bait or procuring ice here? That is the result, is it not?—A. Yes,

Q. Now, as to mackerel-fishing, what year did you first begin to fish for mackerel; I don't mean in a boat, but in a vessel?—A. Well, I think I fished in 1838.

Q. And did you fish then in company with the American fishermen?—  
A. Yes.

Q. Do you happen to remember what bait you used there?—A. We used herring, pogies, and clams.

Q. Where did you get pogies?—A. From the Americans. I invariably got them from the American fleet. They brought them up for me, and sometimes clams.

Q. But herring you and they got here, chiefly?—A. Yes; although they brought herring from home part of the time, I believe.

Q. They brought it from home in the first instance, and afterwards procured it here as they wanted it?—A. Yes.

Q. Did you always fish with the American fleet?—A. I always fished mackerel with them; yes.

Q. What is the reason that this fleet all keeps together?—A. Well, the mackerel keep together.

Q. Does not a vessel do better fishing singly by itself? Don't they keep the mackerel together by the bait they throw over?—A. While there is a considerable fleet fishing at anchor, the mackerel will stay better than when there is a large fleet fishing adrift. When there is a large fleet fishing adrift they get scattered a good deal through the day, and the mackerel get scattered when there is one hundred or two hundred sail of vessels fishing among them in that way.

Q. Then the mackerel fleet keeps together on purpose, as a rule, doesn't it?—A. Yes; I think so.

Q. You kept with them on purpose, didn't you?—A. Well, I kept where there was likely to be the best fishing grounds; they, I think, did the same.

Q. But your experience was that having the fleet together kept the fish together better?—A. Yes; when at anchor. When they are drifting the fish become scattered.

Q. They have to drift away from shore?—A. Yes.

Q. The drifting is always from the shore?—A. No; not always.

Q. But it must be a little risky drifting to the shore?—A. O, no; only you must get under way in time. When the wind is on shore they have to drift to the shore.

Q. Did you ever fish at the Magdalen Islands?—A. Yes.

Q. How many times?—A. I cannot tell you how many times; some one hundred times.

Q. Then you went there every year a number of times? Every trip you went in the bay you would be there two or three times?—A. Yes; I hardly ever left without going there.

Q. Did you always go to Oliphant Bank and Bradley Bank?—A. No; not for mackerel. I always went there for cod-fish though.

Q. Your home is in Guysborough County, the next county east of this?—A. Yes.

Q. Now, did you have a pretty uniform course that you pursued in fishing when you left for mackerel?—A. Yes; according to the season of the year. We went to different places at different seasons of the year. We always went in the Gulf of St. Lawrence for mackerel. Sometimes we went up the north side of the island (Cape Breton) and tried at Port Hood, then at Antigonish Bay and Cape George, then up the north side of Prince Edward Island, and sometimes through the Straits of Northumberland, fishing down the north shore of the island. Then we went to Magdalen Islands. Sometimes we would fish a day or two on the north side of Prince Edward Island, and if the mackerel would not bite there we would go to Magdalen Islands.

Q. Did I understand that you never fished at Bradley or Oliphant Banks for mackerel?—A. Never, except for bait when cod-fishing. When we would wash down in the evening we would jig for bait; sometimes we would get it and sometimes not.

Q. Did you say caplin was not suitable for bank-fishing?—A. No; it is not a good bait for bank-fishing; they are too soft. They seldom or ever use them if they can get anything else; they use them for shore-

fishing while they are fresh, but you can't keep them fresh for bank-fishing.

Q. How long can you keep them fresh?—A. I don't think you can keep them fresh at all for bank-fishing.

Q. Did you ever know them to be used except fresh?—A. Yes; the French have used them on the Grand Banks.

Q. Have you ever fished with the French?—A. I have been fishing on the Banks where they have been.

Q. Do they use fresh bait?—A. Yes; they do now; they didn't formerly though. I have known them use salt bait altogether.

Q. Do you approve of salting caplin for bait; do you think it is a good bait?—A. No.

Q. Then, you would not give much for caplin for bait, any way?—A. No; except on the Labrador shore, where they get it fresh.

Q. Or for inshore fishing?—A. Yes; it is good for that, the best they can get.

Q. State how far north the caplin is found, if you know?—A. I never was farther north than Grosse Water. They are there some years, not all.

Q. Where is that?—A. It is north of the Straits of Belle Isle some distance—500 miles north.

Q. How far south is the farthest you ever fished, either in your own vessel or anybody else's?—A. I never fished south of the Western Banks here.

By Mr. Thomson :

Q. What Banks are you speaking of?—A. What is called the Western Bank.

Q. Do you mean La Have Bank?—A. That is part of it.

Q. Now caplin is got along the north shore of the Saint Lawrence; it frequents that shore, does it not?—A. Yes.

Q. Don't you know that it is used in the spring altogether by the inshore fishermen?—A. Yes, altogether; well, not altogether; launce is used in the latter part of the voyage.

Q. But that is after the caplin is gone?—A. Yes.

Q. But while the caplin is there it is used?—A. Yes.

Q. Then squid, herring, and launce?—A. There is no squid there.

Q. Are you quite sure of that?—A. I am quite sure. I never saw any.

Q. But you do not undertake to say it is not there?—A. I undertake to say there is no squid from Cape Harrison to the Strait of Belle Isle. But there is plenty on the Newfoundland side.

Q. But not along the north shore?—A. No.

Q. How far down the north shore is Cape Harrison?—A. It is about 350 miles beyond Spotted Island. It is where the land turns off to the north on the Labrador shore.

Q. Is it on the River Saint Lawrence or in the Gulf?—A. It is 1,000 miles from the River Saint Lawrence nearly.

Q. Then it is away out in the Strait?—A. Away around. It is Hudson's Bay.

Q. From Cape Harrison you say to the Strait of Belle Isle?—A. Yes.

Q. But north of Anticosti, on the north shore, there is squid and caplin too?—A. Yes.

Q. Along the north shore, then, from the western point of Anticosti, due north of that and all the way to the westward, there is squid from there in along the north shore?—A. Yes.

Q. Now what would take you to Magdalen Islands? Was it on cod-fishing trips?—A. No, mackerel trips principally.

Q. Do you take mackerel in there?—A. Yes.

Q. Close in shore?—A. Yes.

Q. Is not Pleasant Bay there?—A. That and Amherst Island was one very good fishing place, but there were others.

Q. How do you take them in Pleasant Bay? Do you seine them from the shore?—A. I never seined mackerel there, but I have netted them there inshore and I have caught them with the hook.

Q. Would you have to land to net them?—A. Yes.

Q. Did the Americans do the same thing; do they land and net them as you did?—A. No.

Q. Why? In those days were they not allowed inshore?—A. They never netted mackerel there to my knowledge in the years I was there. They would take them with a jig.

Q. Close in shore?—A. Yes.

Q. Did they land for the purpose?—A. No.

Q. Not in your time?—A. No.

Q. Speaking of the number of cod-fishing vessels, you did not speak of the last ten years with reference to these cod-fishing vessels?—A. Not particularly. No.

Q. For the last ten years you cannot say what number frequented the bay?—A. No.

Q. You don't know now?—A. I was in the bay six years ago. I know pretty well what was there. I was all over the bay myself, all through the cod-fishing grounds, for three or four weeks fishing there. That was the last time I was there. They fished altogether then with trawls.

Q. That was the last time you were there, over the cod-fishing grounds six years ago?—A. Yes.

Q. When did they first begin to fish with trawls?—A. They have been in use about ten years among our people and with the Americans on these coasts, or on these Banks, Grand Bank, Banquero, and those places.

Q. Is it a destructive mode of fishing?—A. It takes the mother-fish of course, although I don't see that it is any more destructive killing the old fish than the half-grown ones.

Q. It destroys the mother-fish a great deal?—A. Yes.

Q. Where is the spawning-ground, to your knowledge?—A. From Point Miscon west is the spawning-grounds of these schools that migrate about these shores, from Point Miscon as far west as Cocaigne.

Q. Take Chedabucto Bay, is that a spawning-ground?—A. I never knew mackerel to spawn there but once, in any quantities.

Q. They spawn around the shores of Prince Edward Island, do they?—A. Not to my knowledge.

Q. Do they spawn in the Bay of Chaleurs?—A. Yes. Well, not in the Bay of Chaleurs, but westward of the mouth, there is about 25 or 30 miles of the coast which in spawning time is all white. I never knew them spawn anywhere in the gulf but there.

Q. If a witness stated that they spawned in the Bay Chaleurs as far up as Seven Isles, would you say that was wrong?—A. No, I would not say that was wrong.

Q. You have not examined up there to see?—A. No. I never saw them spawning in there; I have seen them nowhere else but where I have named.

Q. Did you ever fish yourself away up the coast?—A. Not a great

deal. Every trip I have made I have been around the gulf once or twice. I would go in one side and out the other.

Q. What side did you generally go up?—A. New Brunswick and Quebec. We went in around Point Miscou and made that the rendezvous. Then we would fish out to the other side very often.

Q. In the bay the mackerel-fishing is all inshore?—A. Yes.

By Mr. Foster:

Q. At what date do the mackerel spawn?—A. From June 10 to June 20. There are a few perhaps that spawn after that; not many.

Q. Did you ever see their eggs in the water?—A. Yes; I have brought them up on my hooks.

Q. How large are they?—A. There is some difference in the size. The large mackerel spawn is the size of small pease; perhaps not so large as that. About the size of No. 4 shot. There is a small run of mackerel that spawn which is not so large as that.

Q. Compare the spawn of the smallest mackerel with the size of shot. Is it as large as No. 7 shot?—A. Yes. About a little larger than the shot on the table.

Q. What number would you call that?—A. I should think it was No. 6, I suppose.

Q. The smallest is about that size?—A. Yes; the largest would be nearly twice as big as that.

Q. Do you mean twice that diameter?—A. Yes.

Q. When you brought mackerel spawn up on your line, how did it come up from the bottom, on the hook?—A. Yes; in a mass.

Q. Caught on the hook?—A. Yes.

Q. How big was the mass?—A. Sometimes the size of that bottle (pointing to ink-bottle on the table about 4 inches diameter); sometimes less, sometimes more.

By Mr. Thomson:

Q. How do you judge it was mackerel spawn?—A. I know the spawn of most kinds of fish.

Q. You have been forty years a fisherman?—A. Yes.

Q. The spawn that came up would be the same as you saw inside of mackerel you have caught?—A. Yes; I have caught them in the act of spawning.

By Mr. Foster:

Q. What do you mean by catching them in the act of spawning?—A. I mean that when I hove them on the deck they delivered their spawn.

By Mr. Thomson:

Q. You are quite sure it was mackerel spawn?—A. Yes; I have caught them when they would spawn on deck.

#### No. 43.

JAMES EISENHAUER, of Lunenburg, in the county of Lunenburg, Nova Scotia, member of the local legislature of Nova Scotia, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are a member of the local legislature for the county of Lunenburg?—Answer. Yes.

Q. You have been in the fishing business for the last fifteen years?—A. Yes; fifteen or eighteen years.

Q. In what fish do you deal now?—A. I am dealing in cod, mackerel, and herring, principally.

Q. To what extent do you carry on the cod-fishing business; how many quintals annually?—A. I ship 20,000 to 30,000 quintals annually of cod and haddock.

Q. To what parts do you ship?—A. To the West India markets, chiefly.

Q. Your fish are not prepared for the Brazilian trade?—A. No.

Q. You deal a good deal with the United States, I believe?—A. Yes, considerably.

Q. Have you any vessels now engaged in the mackerel-fishery?—A. No.

Q. You had formerly?—A. Yes.

Q. How many vessels engaged in the mackerel-fishery are there in Lunenburg and its vicinity?—A. Not many just now; a few years ago there was, I suppose, 20 or 25 sail.

Q. You, yourself, had some vessels engaged?—A. Yes; some years ago.

Q. Did they engage during the season, or only for a portion of the season?—A. Our vessels chiefly went on a cod-fishing trip for the first trip; then, about September, they went for mackerel.

Q. Not before?—A. Some did; not many.

Q. Those you have been acquainted with, and your own, for how many weeks would they engage in mackerel-fishing in the year?—A. Probably six weeks or two months.

Q. What tonnage would these vessels be?—A. They would be vessels from 40 to 80 tons, I suppose.

Q. Now, where would they fish; what part of the coast?—A. Well, they would fish the first part of the season on the banks. The spring trip they would go on the banks for codfish.

Q. Well, but speaking of mackerel?—A. Well, in the Gulf of St. Lawrence, I suppose chiefly at Magdalen Islands and around the coast of Prince Edward Island.

Q. Where would they catch fish; on what part of the coast?—A. They would catch the bulk of the fish near the shore, as I understand.

Q. That is what you understood from those in the vessels?—A. Yes; from the Americans also.

Q. Did you ever hear of many mackerel being taken outside of 3 miles?—A. I believe that some seasons they did take a few, but it is rather seldom.

Q. Would you consider it or do you know whether the Americans themselves consider it a business in which they could have profitably engaged if absolutely restricted from coming within three miles of the shore?—A. Well, from what little conversation I have had with the American fishermen, the idea they had was that it would not be worth prosecuting if deprived of that privilege.

Q. Would you spend a dollar on it?—A. Certainly not.

Q. Where would these vessels of yours fish for codfish before going on the mackerel voyage?—A. They would fish in the spring on the banks, and in the summer trip they would go to Bay Chaleurs or the Labrador coast.

Q. How many trips for codfish would they make before going after mackerel?—A. Generally about two.

Q. These vessels were from 40 to 80 tons?—A. Yes.

Q. What would be the average tonnage?—A. I suppose 60 tons would be a fair average, 50 or 60.

Q. What would be the average catch of codfish for each of those two trips?—A. 500 or 600 quintals.

Q. Then what would be the average for each mackerel trip?—A. Our vessels would only make one trip. I suppose they would average from 200 to 300 barrels.

Q. That is your own vessels and other vessels from Lunenburg having an average tonnage of, what would you say?—A. 50 or 60 tons.

Q. They would make an average catch of 500 or 600 quintals the trip, or 1,000 or 1,100 codfish altogether, and 200 or 300 barrels of mackerel for the season?—A. Yes.

Q. Would that be a profitable business?—A. Well, it would not be, I should say, very profitable that catch. Some seasons they would get a great deal more than that, but I am taking a low average.

Q. Some seasons they would catch a great deal more?—A. I have known some vessels land over 2,000 quintals.

Q. These same vessels you spoke of?—A. Yes.

Q. How many mackerel?—A. Perhaps not any mackerel at all. They would fish later in the season, making three trips, probably, for codfish.

Q. What do you consider a fair average per trip for mackerel. Take the American vessels. Are they better adapted than our own?—A. I think they are.

Q. What do you consider a fair average?—A. I should say about 200 or 300 barrels a trip.

Q. They make how many trips, do you know?—A. Those that follow mackerel altogether make, I suppose, at least three trips; some more, I have no doubt. The average, I should say, would be three or perhaps four.

Q. Now at present you are not engaged in catching mackerel?—A. No.

Q. Do you buy them?—A. I buy large quantities.

Q. Do you buy codfish more largely?—A. Yes.

Q. Now do you know yourself how many cod-fishers there are in our British waters, how many sail?—A. I should say there must be 200 or 300 sail of cod-fishers, I think.

Q. That is on what coast?—A. The bulk of them go up to Bay Chaleur, I think for codfish, or off the Magdalen Islands, some farther up. You don't include the bank fishers in your question?

Q. Well, yes, I did.—A. I should say more than that, if you take them. Probably 300 or 400, if you include those that follow bank fishing.

Q. Well, now, where do these vessels get their bait?—A. Inshore, I think, the bulk of it. They get some west of this, at Liverpool and Shelburne. They resort to those harbors for bait.

Q. Do you know where they get their ice?—A. They get ice all inshore.

Q. On our coasts?—A. I think the first trip in the spring they bring some ice with them.

Q. These 300 or 400 vessels, do they frequent our Nova Scotia coast?—A. I think most of them do.

Q. Do most of them get bait and ice on our coast?—A. I think they do in Nova Scotia and Newfoundland. They get some from Newfoundland.

Q. Where do they get ice—in what ports?—A. They get it at Prospect, a little west of this, and some farther west, at Liverpool and Shelburne.

Q. Do they get their ice from these establishments on the coast where ice is sold?—A. They buy the bulk of it, but they get some off the

mountains themselves where they can find it early in the spring. I have known them take it off the mountains at Saint Margaret's Bay.

Q. Is it easily procurable there?—A. I think it is, in the spring early.

Q. How many miles is that from us?—A. About twenty or thirty miles.

Q. Is there a good harbor?—A. Yes.

Q. How do they get it from the mountains? Is it close to the shore?—A. Yes; pretty close to the shore. The high cliffs are very close to the shore, probably half a mile or a mile back.

Q. That ice they use for keeping the bait fresh?—A. Yes.

Q. Now you must be well acquainted with the business. I would like you to estimate whether you would consider it profitable to carry on cod-fishing in these waters if prevented from taking ice here for their bait?—A. I don't think they could carry it on profitably. They would be obliged to refit with bait and ice, and it would probably take them ten days to a fortnight, to do that.

Q. Would it be a paying business?—A. I think not.

Q. Do the Americans use all the codfish they catch?—A. No; I think they do not cure a great many of the small fish they get. They use the large fish and throw the small fish away.

Q. Has that been the practice always?—A. I think it has been for a considerable time past. I know during the past year or two some of them have begun to save their small fish. Fish seem to have been getting scarcer during the last two years.

Q. What do they do with the small fish now?—A. They bring them into some of the ports and sell them.

Q. In Halifax, I believe?—A. In Halifax and round the coast. We bought a cargo the other day.

Q. You buy these small cod from the Americans?—A. Yes.

Q. Not only here but I believe you buy them also from the Americans in the States?—A. Yes.

Q. To any extent?—A. To the extent of 8,000 or 10,000 quintals the year before last, and we have purchased for several years past.

Q. Those cod are cured to the same extent they cure their cod generally?—A. Yes.

Q. What do you do with those fish?—A. We dry them a little better and then export them to the West Indies.

Q. Where do they dry those fish you buy in the States?—A. We bring them home and dry them.

By Hon. Mr. Kellogg:

Q. Do you speak of the small fish entirely?—A. I mean small and large.

Q. Do you mean both kinds?—A. Principally small fish.

By Mr. Weatherbe:

Q. Then those American fishermen do not throw away the small fish?—A. No.

Q. If there were more men like you, they would find it unprofitable to throw away the small fish?—A. I don't see why they could not utilize them if they would cure them properly. They have the West India market open for them.

Q. A good many witnesses from Gaspé and Bay Chaleurs district have been asked as to why it was that they did not prepare their fish for the American market in a green state, instead of drying it hard and shipping it to foreign markets. Can you state to the Commission why it is that Canadians do not enter more into the exportation of codfish

to the United States markets!—A. One reason I should suppose is, that the United States market not being suitable for small fish they dry the small fish and make them very hard and ship them to the Spanish market.

Q. Is there any other reason?—A. Another reason is, that they get a larger price than they would get in the American market.

Q. They get more money by shipping the fish to foreign markets?—A. Yes.

Q. Why don't you ship fish to the United States?—A. I think the American people catch about as many fish as they want. When they offer us and sell us fish, it shows they cannot have a market for a great many more codfish than they have.

Q. I believe they re-export fish they get from us?—A. Yes.

Q. To a large extent?—A. Yes.

Q. During the existence of the Reciprocity Treaty was that the case?—A. I don't think it was.

Q. But since the Washington Treaty they have re-exported Canadian codfish?—A. Yes.

Q. Have you re-exported Canadian fish sent to the United States to the West Indies?—A. Yes. We have done so several times with mackerel.

Q. You found it sometimes to your advantage to re-export Canadian fish sent to the United States to the West Indies, as well as buy fish in the United States and bring it here?—A. Yes.

Q. You don't know, perhaps, whether that was done in bond?—A. I think it was to some extent.

Q. Do you ever recollect re-exporting Canadian fish in bond?—A. No.

Q. Do you know whether the business of re-exporting Canadian fish is increasing in the United States?—A. I am not prepared to answer that; I am not posted in regard to it.

Q. In what bottoms are the re-exported Canadian fish carried?—A. We re-export them in our own vessels.

Q. When they re-export, how do they send them?—A. I fancy in their own vessels.

Q. Are you aware whether there are other Canadians or Nova Scotians who have re-exported Canadian fish sent to the United States?—A. I have known cases where it has been done. I know Halifax merchants sometimes do so when they cannot get in the United States the price they want for their fish.

Q. You have taken fish to the States and failed to get the price, and then sent them on to the West Indies?—A. Yes.

Q. Is that codfish?—A. No; mackerel.

Q. You are, of course, acquainted with the prices obtained for mackerel during the existence of the Reciprocity Treaty, and afterwards, previous to the Washington Treaty, and since the Washington Treaty?—Yes.

Q. After the imposition of a duty on mackerel by the United States, did our fishermen obtain a less or higher price for their mackerel?—A. I think mackerel have been lower since the treaty than they were before, in my experience.

Q. That is since the Washington Treaty?—A. Yes; I mean as a whole year; taking an average, I think they have been lower than before.

Q. Were they higher on an average during the period of the imposition of the duty than under the Reciprocity Treaty?—A. I think so.

Q. I don't know whether you have examined your books as to that

point; I understand that is shown by all the books of fish dealers!—A. Yes.

Q. Do you know whether that appears from your books!—A. I never examined, but I remember it.

Q. You can substantiate that fact!—A. Yes.

Q. In regard to the theories set up as to the payment of the duty, who do you consider pays the duty? I am confining myself entirely to this question in relation to duties imposed on Canadian mackerel.—A. I don't consider the duty affects the price very materially.

Q. You don't think the duty imposed by the United States affects the price paid to our fishermen for their fish!—A. I think not. I think the supply, as a general rule, regulates the price. When there is a short catch of mackerel the price will be high, apart from the duties. I think the consumer pays the duty as a general rule.

Q. You are now speaking of mackerel!—A. Yes.

Q. And of mackerel imported into the United States from Canadian waters?—A. Yes.

Q. I suppose you take the fact that our fishermen obtained a larger price when the duty was imposed as an evidence in support of your view!—A. Yes.

Q. Do you consider the remission of the duties on fish entering the United States any advantage to Canadians, and, if so, explain how it is an advantage!—A. I cannot see any advantage.

Q. Do you believe there is any advantage!—A. I really do not.

Q. Assuming the American fishermen were excluded from the three-mile limit, do you consider that would be an advantage or disadvantage to Canadians?—A. It would certainly be an advantage.

Q. How would it be an advantage to Canadian fishermen?—A. It would give us the American market. Of course, the Americans would not be able to catch as large a quantity of fish. It would throw that market open to us, and it would also preserve the fishing-grounds to a certain extent.

Q. Would it give our fishermen higher prices for their fish?—A. Yes; it would be the natural consequence that the less quantity of fish caught the higher would be the price.

Q. But it has been said that might not be so in all cases.—A. There might be a heavy catch of fish in the United States a certain year, and the price might be comparatively low. I am speaking, generally, of an average catch.

Q. Do you know what quantity of mackerel is used in the United States?—A. No.

Q. If there was a very large supply the case might be different!—A. Yes.

Q. But you are speaking of the supply as we have it in our waters and the Americans have it in their waters?—A. Yes.

Q. Have you ever heard of a Lunenburg vessel fishing in American waters?—A. No.

Q. Did you ever hear of the Canadian vessel spoke of as fishing there?—A. I never heard of her.

By Mr. Dana :

Q. You are from the town of Lunenburg?—A. Yes.

Q. And are engaged as a fish merchant?—A. Yes.

Q. Have you ever been fishing yourself?—A. No.

Q. Have you kept any memoranda or documents from other persons, or any of your own, for the purpose of keeping yourself informed on the

subject of the fisheries, or do you depend on your memory?—A. I never kept any record.

Q. You never made it a point to study the laws which govern the fisheries; but you are prepared to answer in regard to free trade; have you made that a study?—A. I never made it a special study, but I have watched a little events as they occurred.

Q. You think in regard to mackerel, however, it may be as to all other things that are bought and sold, that it does not make any difference to the people of the provinces how high the duties are?—A. If the duty was \$10 per barrel it would alter the question.

Q. Why? Would not the consumer pay the \$10 per barrel duty?—A. I have been supposing the duty to be that of \$2 per barrel.

Q. Then you think the Americans might levy a duty high enough to make it injurious to the Canadian people?—A. I think if the duty was made very extreme it might have some effect.

Q. How? Did you not lay it down as a general rule that the consumer pays the duty?—A. On general principles the consumer is supposed to pay the duty.

Q. In regard to mackerel what do you say?—A. I am pretty sure that if they put on a duty of \$5 per barrel it would fall on the consumer in the end. But people get timid in shipping goods when the duties are very high. It affects people shipping to a country where the duty is very high. They do not understand that the consumer pays the duty as a rule.

Q. If they found out the fact that the consumer pays the duty, it would not make any difference how high the duty was?—A. I suppose so.

Q. Then the trouble is owing to the error and timidity of the people?—A. I suppose so, with some.

Q. There was a duty of \$2 per barrel imposed on mackerel before the Washington Treaty; if the treaty were suspended there might be such a duty imposed as Congress might agree upon. Now, do you mean to say that the fact that Congress cannot impose a duty on your fish under the treaty does not leave you in a better position than if Congress had the power to put on any duty it pleased, however large?—A. I think a very large duty would affect us some.

Q. It ought not, according to your view of the laws of trade, but it would, owing to the timidity of your people?—A. People generally get timid in regard to the duty being taken from the price they get.

Q. Do you mean to say that the fact of paying a duty of \$2 per barrel in place of nothing is no advantage in competing with American fishermen?—A. I look at it in this light: If you are shipping a cargo to the market of the United States, and there is a duty levied of \$2 per barrel, you argue that you must get so much money for it; that there is the duty to come out of the price, and you must get so much money to bring you out of the transaction. This causes the mackerel to be a certain value before you ship there, and this helps to drive the price up for the American fishermen. There are times when the duty would perhaps not affect it much either way, but speaking generally of an average catch, the duty, to a certain extent, helps to raise the price of American mackerel.

Q. You go into the United States market with fish you have caught and the American fisherman with mackerel he has caught, both being equally good; you pay \$2 per barrel duty to the government before you can sell your fish, and he pays nothing. Now, as a general rule, do you mean to say that it makes no difference in your competing with the American?—A. I don't think it makes much. If I have mackerel to

ship, and have duty to pay, I must get a certain price. If I could not get that price I would not ship them, and consequently it will make the market somewhat more bare, and assist the Americans to get a higher price. If I push the sale of my mackerel, it throws more on the market and makes the price lower for your fishermen.

Q. Would you put your mackerel on the market and sell them at a loss for the purpose of making the price lower for the American fishermen?—A. No; I say we would keep our mackerel away until we got a certain price.

Q. Then is not the effect of a duty to make you hold your mackerel back?—A. Only for a time.

Q. Suppose you were not able to send them in for one, two, or three years?—A. We could not keep them that long.

Q. You say you would have to keep them till the price was sufficiently high?—A. We could not keep them two or three years.

Q. You would have to keep them away from the American market until the price rose high enough for your purpose?—A. Yes; I suppose; something of that sort.

Q. Would not that be an injury?—A. We might resort to other markets.

Q. You think you might make it up by sending them somewhere; but would you not lose the American market for that time? Have you thought of that?—A. I see the point.

Q. I wish you to think of it.—A. It has been my experience that we got a larger price for our mackerel when we had to pay duty than we have got since.

Q. What did the American fishermen get for their mackerel; did they not get the same price as you did, if equally good fish?—A. Yes.

Q. You do not get \$2 per barrel more in cash for your fish, if not better, than do the American fishermen?—A. No.

Q. Then it is a cause that operates on both. If you get a higher price the American does so also; is it not so?—A. My idea is that we must get a higher price than we now do under the treaty or we cannot afford to send the mackerel there.

Q. Can you compel the buyer to give you more because there is a duty imposed?—A. Not at all.

Q. Then where are you?—A. We can compel him to give more if he cannot get them elsewhere.

Q. If there were no American mackerel it would raise the price, duty or no duty, and the price may go up high enough to enable you, if you have no competition, to pay the duty and make money. If the purchaser is not willing to give you enough to clear all your expenses and allow you reasonable profit, then you can no longer carry on a profitable business, and it depends on what the purchaser is willing to give you for the fish. He cannot give you any more because you have duty to pay; but if mackerel are scarce then the price goes up in the ordinary way?—A. Yes.

Q. And it goes up to the American as well as the Canadian, if the fish are equally good, does it not?—A. Yes.

Q. Now, if the mackerel are plentiful the price usually goes down—I mean plentiful in proportion to the demand—and the price falls to you as well as to the American?—A. Yes; my opinion is we had better pay the duty and have our fishery.

Q. Then can you obtain your own price from the purchaser so as to pay your expenses and the duty, unless the Americans also get the same price for equally good fish?—A. My idea is that the \$2 duty we

had to pay helped the Americans, to a certain extent, to get a better price for their fish.

Q. If you remained out of the United States markets altogether, would it not be still better for the Americans?—A. Perhaps it would.

Q. They would gain more by that than your paying the duty?—A. The American fishermen would gain by it, but not the American people.

Q. After all, the whole thing depends on the market-price, does it not?—A. To a certain extent.

Q. Can you force the market-price?—A. No.

Q. Then, when you say you would rather pay the duties and keep the Americans out of your three-mile line, you mean to assume that would give you, practically, a monopoly of the market?—A. I think it would, to a certain extent.

Q. How would it affect codfish, the Americans being kept outside the three-mile limit?—A. It would not affect cod to the same extent, because the Americans have a deep-sea fishery to fall back upon.

Q. Cod-fishery is mainly a deep-sea fishery?—A. They could get considerable codfish without coming inshore.

Q. There has always been an abundance of cod in the American market?—A. Yes.

Q. Therefore, you confine yourself to mackerel, and in the case of the mackerel, you assume that if the Americans were not allowed to fish within three miles of your shores, there would be practically none, or very little, American mackerel on the market, and you would have a monopoly. Is that so?—A. I think we would, to a considerable extent. The Americans have their own mackerel-ground, of course.

Q. What do you know about that ground?—A. I do not know much more than what I have heard.

Q. Do you know whether they have seines and weirs along the shore where they catch mackerel in abundance?—A. I understand they have lots of purse seines.

Q. And weirs on shore?—A. Yes.

Q. The Americans are a pretty enterprising people, generally?—A. Yes.

Q. And they would be likely to find mackerel if they were to be found?—A. Yes.

Q. Do you feel sure if Americans were driven out of your three-mile limit there would be no competition in mackerel?—A. It depends on the season. The Americans may have a very good season some year and get a very great many, and another year very few.

Q. If they got enough to supply the market you would not be able to go and compete with them with the duty against you?—A. Not if they got a very large quantity.

Q. If they had a poor season you would be able to go and compete with them with the duty on?—A. I think so.

Q. What is the reason of the falling off in the number of mackerel-fishing vessels. Take Lunenburg; you have said that 20 years ago, I think, you had a good many vessels there, and now you have scarcely any fishing-vessels?—A. I don't think I said that. I was alluding to the mackerel fleet.

Q. Have you many vessels engaged in the cod-fishery?—A. We have, I suppose, from 150 to 200 sail.

Q. At Lunenburg?—A. In the county.

Q. That includes what other ports?—A. All the ports in the county.

Q. It does not include Shelburne or Liverpool?—A. No; I think I would be safe in saying 150.

- Q. How large are the vessels?—A. From 40 to 80 tons.  
Q. Where do they fish?—A. On the Banks the first part of the season.  
Q. What Banks do you mean?—A. Western and La Have Banks and Banqueean; sometimes they go to the Grand Banks, but they don't use the Grand Banks much.  
Q. Do they go into the gulf?—A. Yes, in the summer.  
Q. For cod?—A. Yes.  
Q. How late are they employed in catching cod?—A. Our vessels do not fish later than September for cod.  
Q. Then they go into the mackerel fishery?—A. Mackerel or herring.  
Q. The same vessels?—A. Yes.  
Q. Do you think the number of your vessels has increased or diminished?—A. They have not, I think, diminished.  
Q. They have not increased?—A. During the last 10 or 12 years they have not increased much.  
Q. Have they increased at all?—A. I don't know that they have.  
Q. How about the vessels engaged in the mackerel fishery?—A. The mackerel fishery has pretty well declined with our people. They follow it very little; they follow the inshore fishery with boats and with hook and line.  
Q. Is there a great deal of that done?—A. There is not a great deal of it. About this season of the year there are a good many boats employed. Mostly all the boats fish cod in the summer, and they go after mackerel when there is any on the coast.  
Q. It is uncertain when there is any on the coast?—A. It is pretty uncertain.  
Q. I suppose that the mackerel fishery all along from the Bay of Fundy, from Annapolis, along the coast to Halifax, is quite uncertain?—A. I suppose it is a good deal like other localities; some years we have good catches, and other years mackerel are scarce.  
Q. Do you know any laws which govern that?—A. No, I don't pretend to be posted.  
Q. How does your coast compare for mackerel, for instance, with the northern part of Prince Edward Island?—A. I think it is not such a good fishing ground as that for mackerel.  
Q. You have said you bought cod and mackerel from the Americans?—A. Not mackerel.  
Q. You have said you bought cod from the Americans?—A. Yes.  
Q. That was because you had not enough of your own, I suppose?—A. Codfish were pretty scarce in 1874-'75 or 1875-'76. We knew the Americans did not much value their small fish, and we were induced to buy from them.  
Q. You took your chance with the small and large?—A. We got some large also.  
Q. For what purpose did you buy them, to dry and send away?—A. Yes.  
Q. You put them into the quantity of fish exported from this region?—A. Yes.  
Q. Do you know what the price of fish was at the Boston or Gloucester market at the time you bought those fish?—A. Yes.  
Q. You would not give more than the market price?—A. No.  
Q. Of late years Americans have begun to save their small codfish, have they not?—A. I think so, as far as I can understand.  
Q. They use them for a good many purposes besides food—for oil, for instance?—A. I am not aware they get oil out of them.

Q. They have factories all along the shore where they work them up?  
—A. I am not aware.

Q. They extract the oil?—A. Our fishermen say they throw them right off the hooks; some of them don't even take the oil out of them.

Q. That was the case once; is it not the fact now that the Americans are saving their small fish?—A. I think they are.

Q. They sell a very considerable quantity?—A. Yes.

Q. Do you ever buy bait from the Americans?—A. We have bought pogies.

Q. I want you to explain if by saying you re-export Canadian fish, you mean you export fish out of the United States?—A. Yes.

Q. By Canadian fish do you mean fish caught in these waters or fish caught only by Canadian vessels?—A. We often send mackerel to the United States for sale. If we cannot get what we call a fair price, we re-export it to the West Indies.

Q. Those are cases where the consumer does not pay?—A. He does not pay if he does not eat the fish.

Q. Did that happen before the Washington Treaty went into operation?—A. Not in my experience; I think it was done to some extent before that. I was speaking of since the treaty.

Q. Do you mean that you send your mackerel to the Boston market, and finding no market, you export it to the West Indies?—A. We have done that several times. I am speaking of mackerel. We never exported codfish from there; but the cod we brought home and then exported it.

Q. Do you know any particular reason why you could not find a market for your mackerel in the United States?—A. The price was too low.

Q. Where did you buy the other fish which you exported?—A. At Boston and Portland and brought them down here.

Q. The codfish have been very cheap in the United States to enable you to do that?—A. It was not very cheap in 1874 and 1875.

Q. Were those the years you did it?—A. Yes; and in 1876 and some of it this year.

Q. Was not fish scarce in the States those years?—A. They were scarce with us. They did not attach much value to their small fish and did not appear to have a market for them.

Q. Those were what you brought down here and prepared for export?—A. Yes; only cod.

Q. You have never attempted yourself to prepare cod for the American market?—A. Yes; we have shipped there several times.

Q. How lately?—A. Not within two or three years; five or six years ago.

Q. What was the result? Did you find a fair market for your cod-fish?—A. Yes; we always shipped large and good fish.

Q. Did you dry them as much as those you send to the West Indies and the Mediterranean?—A. About the same as those we send to the West Indies; not so much as those we send to the Mediterranean.

Q. Why did you not continue to send codfish to the United States?—A. The fish are lower in price there than they were a few years ago.

By Mr. Weatherbe:

Q. In Nova Scotia are boats in the habit of catching mackerel on our own coast?—A. Yes.

Q. You don't consider mackerel as plentiful on your coast as at Prince Edward Island and in the other waters of the gulf?—A. No.

Q. Mr. Dana has persuasively suggested that the United States fish-

ermen might possibly catch enough mackerel for the whole United States market. If they could catch enough on their own shores and with their own appliances, that would modify your statement!—A. Yes; if they could do so.

Q. We assume they make the very highest catch ever made, one and a quarter mackerel annually for each of the forty-four millions of the United States. You don't know whether that is anything like what they would consume if mackerel were much more plentiful than they are? Do you understand that the supply of mackerel is large or small in proportion to the population of the United States?—A. It would be comparatively small.

Q. That is, procuring all the mackerel that can be obtained, you understand the supply is small?—A. Yes.

Q. And it is on that you base your estimate?—A. Yes.

Q. You don't know what the Americans catch in their waters?—A. No; I don't know exactly the quantity. I believe they are very scarce on their coast this year.

Q. Do you understand that from the Americans?—A. No.

Q. You are continually supplied with their prices of fish?—A. Yes; and I also keep posted as to the quantities in the market.

Q. And from that you learn that their supply has failed this year?—A. That it is very short this year so far; about one third of that of last year; that is up to August.

#### No. 44.

GEORGE ROMERIL, agent of the firm of Robin & Co., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Where are you stationed?—Answer. At Perce, near Cape Gaspé.

Q. How long have you acted as agent for Robin & Co.?—A. Twenty-one years.

Q. And you have a pretty good knowledge of the fishing business, as they carry it on?—A. Yes.

Q. They are one of the largest Jersey firms?—A. I believe that they are the largest in the bay.

Q. State the different stations which this firm has along the coast of Gaspé and other coasts of the Dominion.—A. These are Pasbebiac, Newport, Pabos, Grand River, Cape Cove, Anse au Beauflis, Perce, Caraquette, Shippegan, Dock, Magpie, St. John's River, Natashaquan, Cheticamp, Big Cheticamp, and Arichat.

Q. These are the different stations where the firms carry on business?—A. Yes.

Q. At present you are at Perce?—A. Yes.

Q. Is that one of their largest fishing establishments?—A. Yes.

Q. How many boats have you there?—A. Some 130 this year; last year we had more.

Q. These are confined almost altogether to the prosecution of the cod fishery?—A. Yes.

Q. Where do your boats fish?—A. With a few exceptions, within three miles of the shore.

Q. They make their catches generally within that distance?—A. Yes.

Q. You have no doubt as to the distance from the shore at which they

fish!—A. No; none whatever. I have no doubt that it is within the three-mile limit.

Q. How far from the shore would you say that they fish!—A. It is sometimes one mile, sometimes two, and sometimes less.

Q. It is either one or two miles from the shore!—A. Yes.

Q. How many men are in the boats!—A. Two are in each boat.

Q. What is their average catch!—A. About 125 quintals.

Q. At what time of the year do the men in these boats catch their fish!—A. We have two seasons—the summer and the fall fishery. The summer season ends on the 15th of August and the fall season on the 15th of September.

Q. These boats take their catch for your firm by the 15th of September!—A. Yes.

Q. What do they do afterward!—A. We afterward give them the privilege of fishing for themselves free of all expense.

Q. After they have fished for you the men have the use of the boats free of all expense for the remainder of the season!—A. Yes.

Q. What do they do with the fish which they then catch for themselves!—A. They generally send them to Quebec.

Q. And do they find a ready market for them there!—A. Yes.

Q. Does this form a very important element in their means of subsistence!—A. They get their winter supply in most part with it.

Q. What is the average price that you pay for these fish!—A. We take them by the draught. Last year we paid \$2.80 per draught.

Q. How much is a draught!—A. Two hundred and twenty-four pounds, green.

Q. And it takes three draughts to make a quintal of dried fish!—A. No; but 1½ draughts, or three quintals of green fish.

Q. What is the average price per draught!—A. About \$2.50.

Q. And you have paid more!—A. Yes. I now allude to the average price.

Q. In addition to the boats do you employ vessels!—A. Yes.

Q. How many!—A. Eight or ten.

Q. Where do they catch fish!—A. On the Nova Scotia side.

Q. They catch fish in the gulf!—A. Yes.

Q. On the Banks!—A. Yes.

Q. You do not trawl!—A. Yes, some boats do, but not the schooners.

Q. Where do they get their bait!—A. In the coves along the coast.

Q. How do you cure the fish which you catch with the boats!—A. They are hard cured.

Q. They are dried in the sun!—A. Yes.

Q. Are fish caught in the vessels capable of being cured in that way!—A. They will not stand the hot climates.

Q. Suppose that the American fishermen should attempt to rival you in the markets to which you send your fish—Brazil, Portugal, and other places—could they do so, with what they catch in their vessels!—A. No.

Q. It could not be done!—A. No. Their fish would not be suitable for these markets.

Q. What is the term used for the fish caught and salted on the vessels!—A. Salt-burned.

Q. They have to be laid down in a large quantity of salt!—A. Yes.

Q. Is there any difference between the fish you get inshore and off shore!—A. Yes; our inshore fishery always furnishes our prime fish.

Q. Has the climate anything to do with the mode of the preparation of the fish for tropical climates!—A. Yes.

Q. And your climate is suitable for such preparation!—A. Yes.

Q. Is the Nova Scotian climate suitable for it?—A. This is not so much the case with the northwest side of Nova Scotia; the weather is foggy and very damp there.

Q. You mean that the climate is not so favorable for it there as on the Gaspé side?—A. Yes; our principal establishment is situated in Gaspé.

Q. Is the average catch of the boats 150 quintals?—A. No; but 125.

Q. Where are your principal markets?—A. Brazil is our principal market; then follow the Mediterranean ports and the West Indies.

Q. What is the general average export of your establishment?—A. About 80,000 quintals of dried fish per year.

Q. Does that include the export of the Nova Scotian branch of the establishment of your house?—A. Yes.

Q. What is the average price which you receive for your fish?—A. The price varies from \$4.50 to \$8.

Q. Did you ever ship fish to the United States?—A. Yes.

Q. Was the venture a failure or a success?—A. It was a failure.

Q. Why?—A. The prices we there received did not at all pay.

Q. And of course you then abandoned that trade?—A. Yes.

Q. What do your vessels catch outside of the three-mile limit?—A. About 300 quintals.

Q. Then nearly all the fish which you take and ship are caught within three miles of the shore?—A. I fancy three-fourths of our fish at least are so taken.

Q. Is there much difference in the results of the cod fishery year after year?—A. No; just as much fish are now caught as ever was the case.

Q. In making this statement, you refer to an experience of 21 years?—A. Yes.

Q. What is your evidence on this point?—A. That the cod fishery is not precarious.

Q. You have always an average catch?—A. It is always about the same.

Q. This fishery can always be depended upon?—A. Yes.

Q. Do those who engage in this fishery as a rule make a living?—A. A thriving fisherman will always make a good living about our coast.

Q. But what will a fair, average man do?—A. He can always make a good living.

Q. Has this fishery failed, and has there been a good deal of distress along the coast, as far as you can judge?—A. I have seen none of it so far.

Q. Are the stories which we hear about marvelous distress and starvation there known to you?—A. They have been unknown to me so far.

Q. I suppose that there are thriftless and shiftless men among fishermen?—A. The stories in question must have been exaggerated very much.

Q. You also ship cod-oil?—A. Yes; and in large quantities.

Q. Where do you send it?—A. To England.

Q. The cod-fishing business requires good bait?—A. Yes.

Q. Where do you get it?—A. Along our shore.

Q. What baits do you use?—A. Herring, caplin, lantz, squid, and mackerel.

Q. Are these baits plentiful?—A. Yes, in their season.

Q. As their season consecutively comes round?—A. Yes; they are always then plentiful.

Q. Do you use a good deal of mackerel for bait?—A. Yes, during this season.

Q. In what numbers are the mackerel found this year on your coast?—A. They are plentiful, and more so than they have been during other years.

Q. Would you say that this is a very plentiful season for mackerel?—A. Yes. Some years we have seen none of them at all.

Q. Has the American mackerel-fishing fleet much frequented the coast where you have been as agent?—A. Yes; and largely.

Q. What used to be their number?—A. Some years ago their vessels on our coast numbered from 300 to 400, if not more.

Q. In what immediate locality?—A. Between Perce and Paspebiac.

Q. They fished every year along this coast?—A. Yes.

Q. You saw them doing so?—A. Yes.

Q. Your business requires you to travel from station to station along the coast?—A. Yes.

Q. Then they were under your eye all the time?—A. In Paspebiac harbor there would be something like 200 or 300.

Q. Where were these 300 and 400 American fishing vessels taking mackerel?—A. Mostly within three miles of the shore.

Q. Have you any doubt as to the distance they were from the shore?—A. No; none at all.

Q. Could you have been mistaken touching this point?—A. No. I have seen some of their vessels within half a mile of the shore and seining among the moorings of our boats.

Q. But were any of them outside of the three-mile limit?—A. No; and many of them were within a mile of the shore. Indeed, they were actually in the harbor.

Q. They were generally within your view, taking fish within the three-mile limit?—A. Yes.

Q. And your opportunities for seeing them were especially good?—A. Yes.

Q. You have been brought into contact with these American captains?—A. Yes; frequently.

Q. And you have, of course, conversed with them about their fares and chances?—A. Yes.

Q. Did you form from what they said any estimate as to the average catch of their vessels?—A. Not exactly; but I fancy from the conversations which I had with them that their catches varied from 250 to 400 barrels per trip.

Q. How many trips would they make a season?—A. Sometimes two, and sometimes three.

Q. Then they would average 300 barrels a trip?—A. Yes. I think that 700 barrels a season would be a fair average with them.

Q. And these fish are all taken from half a mile to 2½ and 3 miles from the shore?—A. The great part of them are.

Q. Have you seen their vessels fishing and drifting off shore?—A. Yes; that is their custom.

Q. Did you know anything about the American cod-fishing fleet?—A. We only see them when they come in for bait. Often no bait is to be had on the Banks.

Q. And most of them come in for it?—A. Yes.

Q. Could they carry on the cod fishing here if they could not so come in?—A. I do not think so.

Q. How do they get it?—A. With nets and by purchase.

Q. What kind of bait do they use?—A. Herring mostly.

Q. Without this privilege I understand you to say they could not carry on the cod fishery at all?—A. I do not think that they could do so if they were deprived of it.

Q. Have you any doubt on that point at all, in view of your long experience as an agent of the firm mentioned?—A. No.

Q. Do they bring herring-nets with them?—A. Yes.

Q. And catch the fish themselves?—A. Yes.

Q. Within what distance from the shore?—A. The nets are all set within two miles of the shore.

Q. They also get ice from you?—A. Yes; often.

Q. And preserve their bait with it?—A. Yes.

Q. Have you known any fishermen go from your neighborhood to the American markets?—A. No; never.

Q. Is the American market of any advantage to you, and your large firm, or to any other fishermen?—A. It is of no advantage whatever to us.

Q. Why?—A. Our fish are not adapted to their market, and the prices which we can obtain there are not sufficient.

By Mr. Foster:

Q. You said that you sent a cargo of fish to the United States market, and that the venture proved a failure?—A. We sent more than one cargo there.

Q. When did you do so?—A. This was 10 or 12 years ago, I suppose.

Q. How were the fish prepared?—A. We sent pickled herring.

Q. Did you ever try the American market with codfish?—A. No.

Q. And you have never prepared cod in the way in which they are prepared for the American market?—A. No.

Q. What do you give the fishermen besides the free use of the boats after the 15th of September?—A. They have the rigging and boats free of charge.

Q. How long can they use them?—A. For a month and a half.

Q. What do they do with their catch taken during this time?—A. They export it to the Canadian market.

Q. Do they send it direct to their market?—A. Yes.

Q. To what firm are they sent?—A. They are sent to different firms. Two or three fishermen club their catches together, and one goes up with the lot.

Q. How much would they catch on the average during the period first mentioned?—A. Some have been known to take as much as 40 or 50 draughts.

Q. What would be their average catch?—A. I suppose 35 draughts.

Q. You have spoken of the Gaspé climate as being excellent for the drying of fish?—A. Yes.

Q. While the climate on the Nova Scotia shore is poor for that purpose?—A. Yes; it is damper, and foggy.

Q. Would you be surprised to hear that the climate of Newfoundland is remarkably good for that purpose?—A. I could not speak on this point regarding the northern coast of Newfoundland.

Q. You say that a thriving fisherman on your coast always makes a good living?—A. Yes.

Q. Has the principal of your firm bought up a great deal of land in your neighborhood?—A. Yes.

Q. He owns a large part of the land along the coast of the Bay of Chaleurs?—A. He has a large tract there.

Q. The following extract is to be found on page 48 of the report of the Commissioner of Fisheries for 1876:

In my last report I explained how the founder of a firm, which has since become most powerful, had instinctively found the means of keeping these fishermen under its power, in diverting them from agricultural pursuits, and in securing to his own account most of the lands bordering on Bay des Chaleurs. The possession of land insures independence; whoever is a proprietor is free. Mr. Roblin was aware of the wisdom of this truth inscribed in the history of every people; and he began his operations by monopolizing the labor of each individual who was doomed to come in contact with him. Thus it is that fishermen from Gaspé and Bonaventure remained poor and in a state of dependency, while these firms grew richer every day.

Is that true?—A. That is Captain Lavoie's statement. It is quite incorrect.

Q. Have you recently seen any American cod fisheries on your shores?—A. We have not seen many of them there of late years. We have seen a few latterly, but not many.

Q. From what part of the States do they come?—A. I do not know.

Q. How long has it been since you have seen an American mackerel fleet off Gaspé?—A. Some American vessels are there every year. A fleet of them was there before I came down.

Q. How many were there?—A. Seventy or eighty.

Q. That is this year?—A. Yes; in the Bay of Chaleurs.

Q. How many of them did you see last year?—A. I could not say; probably about 100.

By Mr. Davies:

Q. And how many did you see there the year before?—A. I then saw about the same number.

Q. I have heard it stated by a previous witness that you paid the fishermen last year too much for their fish?—A. We are blamed for having done so.

Q. Did you, at the time, look at the market price which you received?—A. I think so.

By Mr. Foster:

Q. Then you did a losing business last year?—A. Yes.

Q. When you balanced your profit and loss account at the end of the year, were the results for 1876 worse than those for 1875?—A. Yes; and much more so.

Q. You made no profit for the year 1876?—A. No; none at all.

Q. And you actually lost money?—A. Yes.

Q. You were poorer men at the end than at the beginning of the year?—A. Certainly.

No. 45.

TUESDAY, August 28.

The Conference met.

WILLIAM MACDONNELL, trader and formerly fisherman, Argyle, Yarmouth County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been many years engaged in fishing?—Answer. I have.

Q. How many years?—A. I went fishing from the time I was 14 years of age until I was 32.

Q. Are you now engaged in fishing?—A. No, I traffic in fish somewhat.

Q. You are not now actively engaged in the fishing business?—A. I have not caught any fish for 8, 10, or 11 years.

Q. When you were actively engaged in fishing, in what part of the world did you fish?—A. I sailed out of Gloucester, Mass.

Q. And where did you fish?—A. Chiefly in Bay Chaleurs after mackerel, and in North Bay, as they call it.

Q. In the Gulf of St. Lawrence?—A. Yes.

Q. Were you in American vessels all the time?—A. All but the three last years.

Q. You went fishing as a hand when you were about 14 years of age?—A. From 14 until I was 19 years, when I became a master.

Q. Do you remember what vessel you first sailed?—A. I went when 14 years of age in the Bridget Ann, Captain Charles Macdonnell, and shipped from Port Hood, Cape Breton.

Q. In what part of the gulf did you fish?—A. The first fare we caught on Bank Bradley, and some in Bay Chaleurs; I cannot remember the quantity.

Q. That was spring mackerel?—A. Yes.

Q. How many trips did you make that season?—A. Three successful trips.

Q. Where did you take your next fare?—A. We caught 330 barrels at anchor, with our vessel sprung up close in to the Bird Rocks, Magdalen Islands.

Q. Where did you take the third trip?—A. At Margaree Island and Cheticamp, close inshore. All mackerel caught at Margaree Island and Cheticamp are caught close in.

Q. How far from the shore?—A. Two miles; sometimes so close that you are afraid the vessel will strike the shore.

Q. They are taken within two miles, half a mile, or a quarter of a mile from the shore?—A. Yes, that is as a general thing. Probably there may be some mackerel outside, but generally American vessels go inside to catch them. We caught the whole of our third trip there; it was very late in the season, 15th September.

Q. Was the quantity you caught about the average catch of the fleet?—A. We got more than the average catch; we made three trips, and I don't know but one other vessel that made three.

Q. That was the year of the American gale?—A. Yes; it was the year of the great Yankee gale.

Q. In 1852, what vessel were you in?—A. The schooner Charles Rubin, the same captain; my brother was master.

Q. How many trips did you make?—A. We made one trip that year.

Q. Do you remember how many barrels you caught?—A. We got one fare, some 300 barrels, I think.

Q. Where did you catch them, in relation to the shore-line?—A. We caught the greatest part of them in the fall; we did nothing the first part of the season; we caught the biggest part at Margaree Island, inshore.

Q. In what vessel were you the next year?—A. The schooner Sunbeam.

Q. Were you in the bay all summer?—A. Not all summer; we came some time in August, and we made but one trip.

Q. Where had you been before that?—A. On the Western Banks and Sable Island Bank.

Q. Then you went into the bay only for the fall trip?—A. Yes.

Q. How many barrels did you get?—A. We got one fare, about 300 barrels.

Q. Where did you take that fall trip?—A. I think we caught the greatest part of them between Cheticamp and Margaree. All vessels in the fall of the year generally catch mackerel there; it is near a harbor, and they generally fish there so that they can make a harbor when it blows. That was the case when I went fishing.

Q. You caught your fare there?—A. The biggest part; we may have caught some few elsewhere, but I well remember we got the biggest part of our fare in the fall there. The first part of the season we got nothing. All mackerel got at the Margaree Island are obtained within three miles of shore; some people have made calculations and said they are caught five miles out, but there are none caught five miles from shore. The mackerel come inshore there.

Q. Is there very great difficulty in telling the distance you are from the shore?—A. I never had much difficulty; I could generally tell whether I was one, two, or three miles out. It is a matter of opinion.

Q. You have not much doubt you could tell correctly?—A. I think I could tell within 100 yards. I generally knew whether I was three miles out or not.

Q. In what vessel did you sail after the Sunbeam?—A. In the Quick-step.

Q. How many trips did you make?—A. Two.

Q. What was the catch each trip?—A. The first trip we did not do much, and were not very successful; we secured 150 barrels. On our last trip we got 250 barrels off Cheticamp Island, Cape Breton shore, about 20 miles east of Margaree; they were taken close inshore.

Q. On the first trip did you seine them inshore?—A. We seined them on Bank Bradley.

Q. Was all the second trip taken off Cheticamp?—A. Yes; in fact we caught half of the trip close in the mouth of Cheticamp harbor, an unusual place to catch mackerel.

Q. In what vessel did you sail next year?—A. The Arbutus.

Q. How many trips did you make in her?—A. Two.

Q. What was the catch?—A. Two fares, 300 and 350 barrels.

Q. How far from the shore did you take them?—A. The last trip we caught off Margaree Island and Cheticamp.

Q. Close inshore?—A. The first trip we caught round perhaps some at the Magdalen Islands and East Point.

Q. During those five years you were a hand, did the rest of the American fleet fish in the same places as you did?—A. Yes; sometimes there would be 100 sail of American vessels in sight; at Margaree Island I have counted 200 vessels.

Q. Where were the 200 vessels?—A. Right round on the same ground as we were in.

Q. Right close to the shore?—A. Yes.

Q. Have you seen them yourself?—A. Yes.

Q. You have no doubt they got fares there?—A. I could not say they took all their fares there, but I have seen them there; they may have caught some fish in other places.

Q. In what vessel were you next year?—A. In the James Seward.

Q. How many trips did you make in her?—A. Two trips.

Q. What was the result each trip?—A. We got two fares.

Q. How many barrels did you take?—A. It was a 300-barrel vessel, and we got two full fares; the last fare we caught off Cheticamp and

Margaree; for the first fare we fished some in the bend of Prince Edward Island and at the Magdalen Islands.

Q. Cheticamp and Margaree formed a very favorite fishing-ground with you?—A. Yes. I always made a point of getting my last fare there.

Q. You afterward became captain of a vessel?—A. Yes.

Q. What vessel?—A. The Mohenia.

Q. What was the size of the vessel?—A. About seventy-five tons, I think.

Q. How many trips did you make?—A. Two.

Q. What fares did you take?—A. I think about 250 barrels the first trip, and perhaps 300 barrels the second trip. It was a 300-barrel vessel, and we generally got fares.

Q. Where did you catch the mackerel?—A. The last fare we caught off Margaree. I don't know exactly where we took the first fare. I think I caught some of the first fare off East Point, Prince Edward Island; I might have caught a few off Bank Bradley; we got them at different points.

Q. The next year I believe you went again in the Mohenia?—A. Yes; we made two trips.

Q. With similar results to those of the previous year?—A. About the same.

Q. Did you catch the mackerel in the same places?—A. On about the same ground.

Q. What vessel did you next go in?—A. The Shooting Star.

Q. How many trips did you make?—A. Two.

Q. Where do you get your catch?—A. Some at the bend of the island, some off Point Miscon, and some perhaps at Bank Bradley. For my last fare I sprung up off Port Hood Island and caught the largest part of the fare there. I caught some mackerel off Margaree Island where I sprung up; it was on the 1st of August; we fished half a mile from the land.

Q. What was the next vessel in which you sailed?—A. The Charles Macdonnell.

Q. How many trips did you make?—A. Two.

Q. What did you take?—A. One fare of 200 and another of 300 barrels. The last fare was taken inshore. Some of the first fare were taken at the bend of Prince Edward Island, and some off Pictou and along that shore.

Q. What was the next vessel in which you sailed?—A. The Allan Forester; I chartered her.

Q. What did you catch?—A. 750 or 775 barrels of fat mackerel. We only made one trip. The biggest part of the trip was made at Margaree Island.

Q. Out of the 750 barrels, what proportion was taken within three miles of the shore?—A. About three-fourths. I caught the biggest part late in the fall off Margaree Island.

Q. What did you pay for the charter of the vessel?—A. One thousand dollars.

Q. How were the crew paid?—A. The men went on half line, receiving half of the fish they caught after they paid for the barrels and packing.

Q. How many weeks were you away getting your fare?—A. Eleven or twelve weeks.

Q. For how long did you charter the vessel?—A. For the trip.

Q. What was the result of the speculation to yourself?—A. After

paying \$1,000 for the charter—four of us chartered the vessel—and paying me as captain 5 per cent. commission, which came out of the vessel's half, there was \$1,050 for the four who chartered her.

Q. Then she cleared \$2,050!—A. Yes; that is what she would have paid the owner if we had not chartered her.

Q. Did you go in the Allan Forester more than one year?—A. I went to Newfoundland that winter.

Q. What for?—A. For frozen herring. I got a cargo of frozen herring and took them home.

Q. Did you lose on the herring?—A. No, I made.

Q. What did you make on the herring that year?—A. I cannot remember what we made that year. My brother had a vessel chartered the previous winter and I think he cleared about \$3,000 on one fare of frozen herring. I had about 800 barrels of herring which we sold in New York at 5 cents per pound.

By Mr. Foster:

Q. How much is that per barrel?—A. Ten dollars per barrel, but we sold them by the pound.

By Mr. Davies:

Q. On what vessel did you go after the Allan Forester?—A. I went on the George B. Loring; that was the last year I fished in an American vessel.

Q. How many trips?—A. Three successful trips.

Q. What quantity did you take each trip?—A. I could not exactly say what quantity each trip. I landed 900 barrels.

Q. What portion of those did you take within three miles of the shore?—A. I suppose three-fourths of them.

Q. You made three trips in that vessel?—A. The first fare I caught all in Bay Chaleurs, the whole of the second fare I think I caught at the Magdalen Islands, and the third trip off Margaree Island.

Q. That would make two-thirds of the whole caught within the prescribed limits?—A. Yes.

Q. Did you make the three trips without transshipping?—A. No; I transshipped.

Q. How many trips did you tranship?—A. Two, my first and second fares. I took the last fare home myself.

Q. Was the privilege of transhipment a benefit?—A. I suppose it was.

Q. Could you otherwise have made three trips?—A. No.

Q. How many trips could you have made if you had not possessed that privilege?—A. Two. At the time when I would have been at home discharging my cargo I was catching another fare.

Q. So the privilege of transshipping gave you an extra trip?—A. Yes.

Q. What was the pecuniary result of the trip of the George B. Loring?—A. I only heard from what the owner said. I was running the vessel on commission. The owner told me it cleared him \$5,000 on those three trips.

Q. Were the 900 barrels you got a fair average catch?—A. My vessel was small. Some vessels that year got 1,600 barrels of mackerel. I think the Rattler, Captain Andrew Layton, got that quantity.

Q. Were there other vessels which obtained as many barrels as you did?—A. Some got 1,000 barrels, and some 1,100. Others, of course, got 500 barrels, and some 400 barrels.

Q. Can you give the Commission an idea of the profits of the Glouce-

ter fishing-vessels? Do they make profits or not?—A. I would not dare to say what the profits are, because I never owned a vessel there. I have never seen accounts, but I judge they must make some money. How else could they build fishing-vessels costing \$12,000 if they did not make money? When I went to Gloucester as a boy it was only a small village, and now it is an incorporated city. What has done it? Nothing but fishing. No other business whatever is carried on there except fishing.

Q. That was the last American fishing-vessel you were in?—A. Yes.

Q. Did you afterward fish in a British vessel?—A. Yes; I had a vessel built in Yarmouth for myself.

Q. How many years did you go in her?—A. Two years.

Q. What did you catch each year?—A. I caught 600 barrels the first year, I think. It was late when I went into the bay, the 15th September.

Q. And what did you get the other year?—A. Seven hundred and eighty barrels, I think.

Q. Then what vessel were you in next year?—A. In a schooner from the Strait of Canso, called the Vincent J. Wallace.

Q. How many barrels did you take?—A. Four hundred and fifty barrels; it was late when I went into the bay.

Q. In those five years where did you take those fish?—A. I caught the biggest part of those fish off Margaree Island.

Q. What proportion was caught inside the three miles, and what proportion outside? Did you take any outside?—A. I don't think I did; I might have picked up a few mackerel probably running down from Port Hood to the fishing-ground. I might have caught, perhaps, ten wash barrels.

Q. Then the proportion you caught outside was very, very small?—A. It would not amount to anything.

Q. The remaining fish were caught close inshore?—A. Yes.

Q. The fish you took off Margaree were taken from half a mile to a mile and two miles from the shore?—A. Yes.

Q. During those years when you were fishing in the summer along the shores of the Gulf of St. Lawrence, where did you go in winter?—A. To Newfoundland, for frozen herring.

Q. How many winters did you go there?—A. I think I was there ten winters.

Q. Did you ever go to Fortune Bay?—A. I was there all of those ten winters except one.

Q. Did you find the people there wretched and miserable?—A. No; the people are very well off with the exception of a few. There may be some poor people there as everywhere else; but, as a general thing, the people are very well off. If you see them on board their little jacks they do not seem to be worth anything; but if you go to their house you find the case very different.

Q. What do you find there?—A. Plenty of money in the houses. Sometimes when they would be trading with me they would not have enough fish to pay me and they would take me to their houses and open a chest where there were piles of money, which would surprise you.

Q. Instead of being a wretched people they are very comfortable indeed, far above the average?—A. Yes.

Q. Do you mean to say they are far above the average?—A. They are generally well off, although they often look miserable and work hard. In fact some of the people live very poorly, while they have plenty of money. They don't know how to take comfort with their money.

Q. Do you think they would starve if the Americans did not go to buy their fish?—A. I do not think they would.

Q. What did you give for the frozen herring?—A. One dollar per barrel; I never give more and never less; I have heard of some vessels giving \$3 per barrel.

Q. On a pinch you would have given more?—A. Yes.

Q. Did you fish on the Newfoundland Banks?—A. No; I never caught any fish there; I purchased the fish I obtained there.

Q. Did you ever fish on the Grand Banks?—A. No.

Q. Did you ever fish for cod on the banks off Nova Scotia?—A. Yes. I have fished on Western, La Have, and Brown Banks.

Q. For cod?—A. Yes.

Q. How did you catch the cod?—A. We caught them with trawls.

Q. What kind of bait did you use?—A. Fresh bait. Herring.

Q. Cannot you catch cod equally well with salt bait?—A. No.

Q. How do you know?—A. I have tried it.

Q. Tell us the result of your experience?—A. I have been on the Banks with nothing but porgies for bait—we generally took a few barrels with us to start upon—and ran out our trawls, having the salt bait, and there appeared to be not one fish around, for we would not feel a bite or get a fish. I have then ran to land, got herring and gone out to the same ground as near as possible and put out the trawls and had an abundance of fish, where previously with salt bait we got not a fish. Even if you bait your hook with a piece of salt porgy and put a small piece of fresh herring on the point of the hook, you will have a fish on it.

Q. Your evidence amounts to this, that fresh bait is absolutely necessary to catch codfish?—A. Most undoubtedly.

Q. And without fresh bait Bank codfishing cannot be successfully carried on?—A. I am quite sure of it.

Q. You are quite sure of it?—A. I am quite certain of it from practical experience; I have tried it.

Q. For how many years?—A. Four or five years. It is some time ago, but I believe from what American captains say that it is worse now. They have to get fresh bait or they cannot get any fish, they say.

Q. Do the bankers ever tranship their cargoes of cod?—A. Yes. There were two smacks from Newfoundland came into the harbor bound home, but when the captains laid their heads together they came to the conclusion that the trips were too small to go home with, and one of the captains arranged to take them home, and the other captain refitted and went back again. One of the captains is in here.

Q. Both vessels belong to the same owner?—A. I could not say that; but they belong to the same port, New London.

Q. If the American vessels were not allowed to enter Newfoundland, Nova Scotia, and Cape Breton for fresh bait, they could not carry on the codfishery?—A. No; it would be impossible. Any man with common sense knows that. They might carry it on to a certain extent, but not successfully.

Q. Have you ever conversed with American captains; do you know whether that is their opinion?—A. Yes.

Q. They have so expressed themselves to you?—A. Yes, a number of times. There is not a year goes by but I talk with fifty of them.

Q. That is the general opinion of those acquainted with the fisheries?—A. Yes, it is the general opinion.

Q. Did you ever hear a man hold a different opinion?—A. I don't think I ever knew any man who held a different opinion.

Q. If witnesses came here and told a different story, what would you say?—A. I don't know how they could.

Q. Did you ever know a British vessel go to American waters to catch fish?—A. I never knew but one, the Lettie, of Prince Edward Island. She went on that coast seining.

Q. Did she go for porgies?—A. She went seining porgies and mackerel, but I think she did not get anything.

Q. Did she ever try it again?—A. No; I think not.

Q. Do you know, from what American captains have told you, where they caught their mackerel?—A. I have not known of late years where they caught them.

Q. When you were fishing?—A. I did not require to be told, for I have seen them fishing.

Q. Is there any doubt as to where the fish are taken?—A. Not a particle of doubt.

Q. Do you say they are taken inshore?—A. I don't say all the fish are caught inshore. There are fish caught off shore as well as inshore; but three-fourths of those taken are caught inshore.

Q. Is it known by the American captains to be so?—A. Certainly. You may find some American captains—one or two—who don't come inshore a great deal. The old captains of Cape Cod vessels are frightened of the land, and they, as a general thing, will fish on Bank Bradley. There are, perhaps, half a dozen or a dozen of them.

Q. What was the result of their trips?—A. I never heard of one getting a fare. There might have been some who did so, but I never heard of one.

Q. Have they old vessels?—A. No; I don't think it is anything more than that they don't care about fishing near the land.

Q. What bait do the mackerel feed on?—A. It is pretty hard to tell exactly all the bait. When we were in the bay following the mackerel we found there was a little fish called the shrimp—some call it brit—which the mackerel generally chase. The brit generally frequents along the shore; that is what brings the mackerel in to the shore. I have seen the whole fleet haul to and not raise a fish; but after going five or ten yards farther, they would get right into the school of mackerel which were after the brit. They would attract the mackerel out, but very soon the fish would go right back to the brit, and the vessels would have to follow them in and entice them out.

Q. Do you find the brit, which the mackerel chase, out at sea?—A. I never saw any, though it may be there.

Q. Although you saw it along the shore?—A. Yes. I have no doubt there is a small quantity out at sea, but it generally frequents along the shore.

Q. Suppose you were prohibited from coming within three miles of the shore, would you go down to fish in the gulf for mackerel?—A. I don't know; we do a good many things. I think if I was prohibited from taking mackerel within three miles of the shore I would not come. The first fare I might possibly obtain my fishing outside; but the last fare, which is most valuable, I could not get except close inshore.

Q. The last fare is worth twice as much as the first?—A. Yes; it is fat mackerel.

Q. The first fare is not a paying one?—A. No. A great many vessels go after the first fare because they are fitted for a season's mackerel fishing. I have known vessels go out and bring in a fare of mackerel, and lost money because they were poor fish.

Q. You caught mackerel off shore as well as inshore?—A. Yes.

Q. But the fat fish were all taken inshore?—A. Yes, inshore. As a general thing, American vessels in the fall of the year fish near a harbor, so that they can make the harbor in storms. This is a reason why they fish inshore.

By Mr. Dana:

Q. Do you own vessels at Yarmouth?—A. Yes, to a certain extent.

Q. You have not been yourself to sea for how many years?—A. It is about ten years since I have been fishing.

Q. In what trade are the vessels in which you are interested engaged?—A. They fish off Cape Sable; I have only got a small interest in three vessels.

Q. Do you do any business in buying and selling fish?—A. To a certain extent I do.

Q. What kind of fish do you buy?—A. I buy mackerel and herring; I have not bought codfish.

Q. From whom do you buy your fish?—A. From the inhabitants of the place where I live.

Q. Are they engaged in day fishing with boats?—A. Very little.

Q. Mostly with vessels?—A. Yes, except net fishermen.

Q. Do you buy from them to sell again or to cure?—A. To sell again.

Q. To sell again as you buy them or after being cured?—A. I buy them all barreled and inspected.

Q. Where do you send them when you sell them?—A. Sometimes to the States; sometimes I sell them at Yarmouth. I sell them wherever I can make the best trade.

Q. What kind of fish do you send to the States?—A. Mackerel and herring.

Q. Not cod?—A. I don't think I ever sent any cod to the States.

Q. Is there not a pretty fair market in the States now?—A. I recently sent 200 barrels to New York, but I have not received the returns.

Q. What kind of market has there been in the States for the last four or five years?—A. I think for mackerel the United States is the best, but I have found our own market here the best for codfish and for haddock and scaled fish for the last three or four years.

Q. You don't prepare cod for the United States market; you dry them thoroughly, so as to send them to foreign markets?—A. We dry them more than they are dried in the United States, but not so hard as in Newfoundland.

Q. Do you buy bait, pogies, from the Americans?—A. No. We don't use pogies except for catching mackerel, and few of our vessels engaged in the mackerel fishery.

Q. Do not the fishermen of the provinces use pogies as bait for mackerel?—A. That bait comes from the United States, but they don't buy them direct. Halifax merchants send to the States and get that bait and the fishermen buy it from them.

Q. If you could have the bait brought to you from the United States it would be cheaper for you to buy it than to send your vessels to the States to procure it?—A. Yes.

Q. You say that there is mackerel fishing outside the three-mile limit?—A. Yes.

Q. You say you have known American vessels to fish for mackerel outside of the three miles?—A. Yes. I have seen Americans and our own vessels fishing outside, and I have fished outside myself.

Q. How do you distinguish Cape Cod vessels from other vessels?—A. We can generally tell a Cape Cod vessel from a Gloucester vessel, for it is differently built.

Q. Are they differently rigged?—A. Yes, and the hull is different.

Q. Do you know who the commander is, whether he is a Cape Cod man, by the rig of the ship?—A. No.

Q. Then you cannot tell whether the commander is afraid of the land or not?—A. Cape Cod men have the reputation of being afraid of the land in Bay Chaleurs.

Q. You cannot tell whether the commander is a Cape Cod man; might he not be a brave Gloucester man?—A. Yes, or he might be a Dominion man.

Q. Now, is not this about the commanders of Cape Cod vessels being afraid of the land all nonsense?—A. No, I am candid about it. They have the reputation of being afraid of the land in Bay Chaleurs, and so some of them will fish off Banks Bradley and Orphan.

Q. When you found the Cape Cod men fish outside of Bay Chaleurs, did it not occur to you that they did so because they believed they could get more fish there?—A. No; I have no reason to think so. It may have been their idea that they could catch more fish offshore; I cannot speak to that.

Q. You have said they kept inshore because they were afraid of the land?—A. I say they have that reputation.

Q. Do you think they caught more fish outside?—A. I could not tell you that.

Q. Do you think that if Cape Cod fishermen understood they could get more fish inside than outside they would not go inside; do you think they are more afraid than other people?—A. I think so.

Q. You are candid about that?—A. I think they are not used to fish near the land in Bay Chaleurs, though they may be on their own shores.

Q. Do you not think they might get over that fear in course of time?—A. Probably they might.

Q. A calculation was proposed to you about a vessel in which you went, where, after paying you a commission of 5 per cent., the expenses of the charter, \$1,000, there were \$1,050 left?—A. Yes.

Q. Do you mean to say that if you had not chartered the vessel, the surplus would have been \$2,050 to the owner?—A. Most undoubtedly so.

Q. Does not the ship cost anything to the owner?—A. All expenses were paid.

Q. Take the case where the owner does not get any charter-money; does not the ship deteriorate in value?—A. I did not look at that.

Q. And there are repairs and painting?—A. I think we had to paint the vessel.

Q. That was under your bargain?—A. Yes.

Q. If the vessel had not been chartered the owner would have had to paint her?—A. Yes.

Q. And they have to insure the vessel or be their own insurers?—A. Yes.

Q. And to allow a large amount for repairs, and because of the shortness of the lives of the vessels?—A. Undoubtedly a vessel somewhat depreciates.

Q. Fishing-vessels are not a long-lived race?—A. American fishing-vessels are; they run a long time. It is pretty hard to wear an American vessel out.

Q. Are the American vessels stronger as well as better vessels?—A. They are more durable than our class of vessels.

Q. Are they built of better materials?—A. Yes; of white oak with copper fastenings.

Q. So while it is very easy to say the owner would have made \$2,000, yet when you reckon the charges, you have to allow a large sum?—A. It is very true. If you have got to put in a new suit of sails, you could not see your way clear out of a large expense. I was, however, speaking of one case, that of the Allan Forester.

Q. If there was no charter, would not a prudent owner charge himself something for repairs, whether repairs were made that year or not, and also for insurance?—A. All these things have to come in.

Q. How many years have you transshipped cargoes?—A. Only one year; but I have known vessels which did it several years when mackerel was plentiful; I mean American vessels.

Q. Where did you tranship?—A. In the Strait of Canso.

Q. What cargo did you tranship?—A. 630 barrels.

Q. Two trips?—A. Yes.

Q. How did you do when you transshipped?—A. We went alongside a wharf, took the barrels of fish out, stored them, and took in a fresh supply of barrels.

Q. What class of persons sold barrels?—A. The fitters.

Q. And you obtained salt?—A. Yes.

Q. What did you do with the barrels of fish?—A. We shipped them home. That year there was an American vessel, a large coaster, which carried mine with others; she was a Boston vessel.

Q. Do you know what they charged for freight by steamer?—A. I could not tell you. I think we paid 30 cents per barrel.

Q. Have you been sufficiently interested in this matter of transshipping as to ascertain the cost of handling the barrels, the wharfage, &c.?—A. The crew generally move the barrels, and there is nothing paid for the storage of the mackerel.

Q. Why not?—A. Because they do not ever charge for storage, because they fit the vessels.

Q. The expense turns up somewhere in the bill?—A. Yes. However I never paid any wharfage or storage.

Q. You say the people down at Fortune Bay are well off?—A. There are some poor people there, but, as a general thing, the people are all comfortable.

Q. You say they have piles of money stored in their houses?—A. Some of them have. I know men who went from La Have down there, who were so well off they retired from the fishing business. The largest part of the money they made was in supplying bait to those French vessels which come from France to fish.

Q. Where did you find them?—A. At St. Peter's. The men of Fortune Bay seine herring, caplin, and squid, and run them across to St. Peter's, and sell them to the French vessels which are lying waiting for them.

Q. That is their market?—A. Yes.

Q. They also sell to the Americans?—A. Yes. They go in and obtain a great deal of bait in Newfoundland; not so much at Fortune Bay as at St. John's.

Q. The men with piles of money, where do they live?—A. They may have plenty of money and yet live in a hovel. They are not sensible enough to enjoy the money after they have made it.

Q. We have been told, on the contrary, that they spend all their money as fast as they get it on rum and tobacco; did you find that to be true?—A. I doubt that. For the last two or three years in Newfoundland I found very few men who drank rum, but when I first went there I found many rum-drinkers. I think they must have had a reform club there.

Q. You think they have improved?—A. Yes. They are comfortable in their homes.

Q. They are saving people?—A. Yes.

Q. Where did you send your frozen herring?—A. To New York.

Q. Any to Boston?—A. Very few to Boston; I sent the largest quantity to New York, and sold a good many at Gloucester for bait for George's Bank fishermen.

Q. There is a pretty good market in New York for frozen herring?—A. Sometimes a vessel makes a very successful trip, and sometimes it doesn't make anything.

Q. Have the people of Fortune Bay any other market of any consequence for what they draw from the sea except the French and Americans?—A. Their codfish, I think, is sent to Brazil and sold to the merchants there.

Q. I mean those people who catch bait, who are paid in cash on the spot; have they any market for that except the French and Americans?—A. I think not.

Q. In regard to fresh bait, I suppose the fish, if they have the choice between fresh and salt bait, prefer fresh bait?—A. Most undoubtedly.

Q. Suppose there was no fresh bait?—A. You could not get the fish.

Q. Are you sure of that?—A. Yes.

Q. How was it twenty years ago, when fresh bait was not used?—A. I am speaking from the practical experience I have had.

Q. But you never saw a time when there was only salt bait?—A. I have said I have been on the Banks when we have had nothing but salt bait, and we could not get a fish.

Q. Witnesses have told us that, before that time, when there was no fresh bait used, they caught full fares with salted bait?—A. There never were such quantities of fish caught years ago as there have been of late years, because they never used fresh bait.

Q. Is not trawling a new thing?—A. Trawling has been practiced ever since I went fishing.

Q. It has not a long history?—A. 25 or 30 years.

Q. How many years have you been in Fortune Bay on fishing business?—A. Nine winters, I think.

Q. Do you know anything of the number of American vessels which go there after frozen herring?—A. I have seen between 30 and 50 sail there at one time.

Q. How long did you lay there usually?—A. I laid there one whole winter; I had three vessels to load.

Q. At other times how long did you stay?—A. I have been there and loaded in a week.

Q. In the course of the winter, the American vessels must be very numerous there?—A. The number I have stated would be all that would be there one winter. They never made two trips. They have to be there when the cold weather sets in, and they freeze the herring. They are all there at one time, but some vessels get away earlier than others.

Q. Suppose a vessel comes late, will it not find the herring already frozen?—A. The vessel could not get them.

Q. They would have all been sold?—A. Yes; possibly there might be a few sometimes.

Q. Then they sell all they can catch?—A. Yes. The vessels need to be there at the first frost, and they generally get away at the end of January.

Q. The American market for frozen herring and bait, in addition to

the French market, is a very great benefit to those Newfoundland people; has it not built them up?—A. They sell that quantity of herring.

Q. And get money for it?—A. They get very little money from the Americans, but they fetch trade goods there.

Q. Something equivalent to money?—A. But they make their profit on them. I don't think I ever paid there \$100 in cash. I have taken down pork that cost \$15 per barrel and sold it for \$30.

Q. The people would have been obliged to have paid that price wherever they had bought it?—A. That was the price at which pork was selling there, and I got the same as the rest.

Q. And the market there for pork was regulated by the large merchants?—A. Yes.

Q. The Americans who go there with goods cannot get more than the market price there?—A. Well, they don't; they could, I suppose, if they practiced extortion. The people want to sell their fish and the American's can say, "There are the goods, take them or leave them."

Q. The result is that the fishermen become themselves somewhat of merchants, and buy a good deal from the vessels, instead of depending entirely on the large houses?—A. Yes. I have sold pork and flour to people who did not really want them; they had to take it in return for their fish, for I did not intend to pay money, but intended to make a profit on the goods.

Q. Sometimes they are paid so many dollars per barrel?—A. I never paid any. Very little cash is ever paid by Americans.

Q. If they do not pay cash, where do the piles of money come from?—A. They accumulate it in some way. It is said a constant dropping will wear away stone.

By Mr. Davies:

Q. The trade in frozen herring is one which has been carried on for many years?—A. Yes. I was the first fisherman who ever carried a cargo of frozen herring from Newfoundland.

Q. That was carried on as a matter of trade before the Washington Treaty?—A. Yes.

Q. You were never prevented from going there and buying herring?—A. No.

Q. It was always carried on as a matter of trade?—A. Yes.

Q. In winter alone?—A. Yes.

Q. It has no connection with the bait-fishing?—A. None whatever.

Q. I understand that the fishing for bait is carried on more on the eastern coast of Newfoundland than in Fortune Bay?—A. Yes; by American vessels.

Q. I understood you to say that there were not nearly so many fish caught by bankers in former years as of late?—A. I should suppose not half as many.

Q. What is the average length of time that an American vessel will last?—A. There are vessels in the business forty years old. Some of those Marblehead vessels can never wear out.

Q. They won't all last forty years, I suppose?—A. Well, they consider an American vessel good when she is eighteen years old.

Q. And twenty-five years?—A. Yes; they generally new top them then.

By Mr. Dana:

Q. Do you mean that candidly?—A. Yes. You never can wear out the bottom of an American vessel.

## No. 46.

JOHN HOLLIDAY, of the city of Quebec, fish merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

Question. You live in Quebec ?—Answer. Yes.

Q. You are engaged in the fishing trade ?—A. Yes.

Q. For how many years have you been in the business ?—A. Eighteen years.

Q. Where do you carry on the fish business ?—A. In Canada.

Q. But where do you carry on your fisheries ?—A. In the neighborhood of Moisic.

Q. That is near Seven Islands on the north shore ?—A. Yes.

Q. To what extent do you carry it on ? How many establishments have you ?—A. One.

Q. Is that at Moisic ?—A. Yes.

Q. What fish do your people take ?—A. Salmon and codfish.

Q. Well, the salmon, I presume, is a river fishery ?—A. Yes.

Q. Then the Moisic is a large river and there are good salmon in it ?—A. Yes.

Q. Where do you take your cod ?—A. Off the mouth of the river in Moisic Bay.

Q. How are they taken ?—A. In boats with hand-lines.

Q. How many boats do you employ ?—A. From 15 to 20.

Q. Do you belong to a firm ?—A. Yes.

Q. What is the name of the firm ?—A. A. Fraser & Co.

Q. Their special business, then, is the fish business ?—A. Yes. Fresh fish and cured fish.

Q. These fresh fish I presume are salmon ?—A. Yes ; codfish and all other fish.

Q. What do you do with your fresh fish ?—A. We sell them in Canada. We send them up to Quebec and dispose of them there.

Q. You send them up there from the north coast of the Saint Lawrence ?—A. Yes.

Q. How do you send them ; by a steamer, I suppose ?—A. In a small steamer that calls there.

Q. Is it your own, or are there steamers that call there ?—A. It is our own.

Q. It was built for the purpose, I suppose ?—A. It was built for the purpose of carrying fish.

Q. What is the distance from Moisic to Quebec ?—A. 350 miles.

Q. How long does it take them to run it ?—A. About 40 hours.

Q. Do you send the fresh fish up in ice ?—A. In snow.

By Mr. Foster :

Q. How near the Seven Isles is Moisic ?—A. It is about 18 miles to the eastward. It depends on what part of the Seven Islands you take. It might be 15 miles, if you take the nearest island.

By Mr. Thomson :

Q. How many boats does your firm employ ?—A. From 15 to 20 this year.

Q. Are they owned by the firm, or do you employ the persons who own them ?—A. Partly each way. Part of the boats belong to the firm and part we engage.

Q. What is the number, including those you own and those you engage?—A. 20.

Q. How many men do you employ to each boat?—A. Two men.

Q. Well, now, what fish do they take with bait off the coast, what kind?—A. Codfish.

Q. Altogether?—A. Yes; I was speaking of codfish just now, altogether.

Q. The 20 boats you spoke of just now are engaged cod-fishing?—A. Yes. I did not speak of salmon fishing.

Q. Well, do you take no halibut or hake?—A. We take a few halibut, not of any great moment, this year past.

Q. Why is that? It used to be plenty.—A. They used to be, but since 1868 or 1869 the coast is nearly cleaned of halibut by the American fishermen coming there. Two of them were taken in my neighborhood; that is, two of their vessels were taken by the cruisers.

Q. What became of them?—A. I think they were both condemned.

Q. Well, were those halibut taken within three miles of the shore?—A. O, yes; within about a mile and a half of the shore.

Q. There was no doubt, then, about the fact of the infringement of the law, for which those vessels were taken?—A. I think not. I have seen several of them leave the coast and leave their lines. When they saw the cruisers come they stood out to sea and came back a day or two afterward and picked up their lines.

Q. That was within three miles?—A. Yes.

Q. How near?—A. About a mile and a half.

Q. I do not know whether the atmosphere there is of that peculiar character that a vessel within half a mile will think she is three miles out?—A. They could not well think that.

Q. You can generally tell when you are within three miles?—A. Yes; at all events, within a mile and a half.

Q. Well, you say that in 1868 and 1869, the American schooners came there and fished out the halibut?—A. Yes, they cleaned them out.

Q. What kind of fishing was it?—A. With long lines or trawls.

Q. There were a great many hooks upon them?—A. A great number; there were several miles of lines.

Q. What was the effect of that, either to your own knowledge or from what you have heard?—A. The whole of our inshore fishermen fished codfish and halibut. We get none now or next to none.

Q. No halibut, you mean?—A. No halibut.

Q. Are they a fish that keep pretty close to the bottom as a rule?—A. Yes.

Q. Therefore they are the more liable to be taken up by the trawl?—A. That is the method adopted in this country of catching them altogether.

Q. Before the Americans came with a trawl, how did your people take them?—A. With hand-lines.

Q. Were they reasonably plenty in those days?—A. Yes; a boat has got from eight to ten. Now, they very seldom get any.

Q. Well, had the hand-line fishing been continued and those trawls not introduced, is it or is it not your opinion that the halibut would be now there just as it used to be?—A. I think it would be as good as previously.

Q. In your opinion, then, this trawl fishing is simply destructive?—A. To halibut.

Q. Well, what do you do now with your fish, the codfish that you get there that is cured; you have already stated that you send your fresh

cod into Quebec, with your salmon and other fresh fish. What do you do with the fish that you cure?—A. For the past forty years we have sent them to Quebec also. We have cured them for the Quebec market.

Q. All?—A. Yes; the whole fish.

Q. Previously to that what did you do with them?—A. We used to dry them and export them to Europe.

Q. Where did you send them?—A. We generally sent them to Cadiz for orders.

Q. From that they went to ports on the Mediterranean?—A. Yes.

Q. And up the Adriatic?—A. We seldom required to send them up there. They generally sold in the lower ports.

Q. Do you find it more profitable to cure them for Quebec?—A. We have them under our own control in that way. If we ship them we have to consign them to a house, and they are out of control in a measure, although liable to advice. But in Quebec we have them completely under our control.

Q. Well, are they actually consumed in Quebec, or are they sold by you and transshipped elsewhere by them?—A. They are consumed in the province of Quebec.

Q. Well, what are these fish worth, cured, on the north shore?—A. What description of fish?

Q. I take codfish that you cure for the Quebec market.—A. They are worth from \$4.50 to \$5.50 a barrel. We dry-salt them in barrels.

Q. Then you don't measure them by quintals?—A. No; they are sold by the 200 pounds.

Q. The barrel contains that?—A. Yes.

Q. Well, would a barrel be about a quintal if it was dry?—A. It weighs about 200 pounds. You want the equivalent for that in dried fish; well, a barrel of fish in dry salt would be very nearly equivalent to a quintal of dried codfish.

By Mr. Foster:

Q. That is not cured by the sun at all?—A. No.

By Mr. Thomson:

Q. Do you find that pays as well in the Quebec market as your former course of trade up the Mediterranean?—A. Yes; it saves me a great deal of labor.

Q. And it pays as well?—A. We consider it pays equally well.

Q. When you say you have it under your control at Quebec, I suppose the headquarters of your firm are in that city?—A. The headquarters are there for the distribution of our fish and the sale.

Q. Do you sell all your fish, the salmon, there, as well?—A. Yes.

Q. All your fresh fish?—A. Yes; that is, we don't sell the whole of the fresh salmon in the immediate locality. It is dispersed over the whole country, and in Ontario as well.

Q. Do you find that the Americans compete with you at all?—A. A good deal.

Q. I mean in the markets; I don't mean on the shores of the St. Lawrence?—A. They compete a good deal in the Ontario and Quebec markets. The Americans supply largely the markets of Quebec and Ontario with fresh fish.

Q. Do you find that they have supplied these markets in increased quantities since 1871?—A. I cannot say that they have.

Q. Well, how about the salted and cured fish?—A. They have done very much of that since 1871.

Q. The salted and cured fish of the Americans have come in very much!—A. Yes; in much larger quantities than previously.

Q. They cut down your prices!—A. They compete with us very largely.

Q. I suppose that must lower the price!—A. Generally speaking.

Q. Did they or did they not!—A. They displace a quantity of our fish, and consequently make it more difficult to sell.

Q. And when you do, you sell at a lower price!—A. I should judge; yes.

Q. Well, then, in fact they do seriously compete with you in the Dominion markets in cured fish!—A. Yes.

Q. What kind of fish do you find them compete with you in!—A. In dry cod and what is called boneless fish; that will be hake principally.

Q. Well, will you explain as to these boneless fish; they do not catch it without bones, I suppose!—A. It is dried fish; some is dry codfish sliced up and put in boxes, and made into a much more convenient state for consumption.

Q. Are all the bones extracted!—A. Most of them are extracted; you cannot extract the whole of them.

Q. Well, is this trade in boneless fish purely American, or is it carried on in the Dominion!—A. I think it is purely American.

Q. Well, that fish you find meeting you constantly!—A. It comes in large quantities.

Q. What about the herring; do you find them come in!—A. Not in very great quantities; they do occasionally.

Q. Do you yourself deal in salt herring!—A. Yes.

Q. Where do you take them!—A. We get them a little farther down the coast than where I am situated.

Q. Down farther beyond Anticosti!—A. Yes; a little beyond Anticosti. It is within the Canadian boundary on the Labrador coast. It is counted the Labrador coast.

Q. Would it be westward of Mount Joli!—A. No; eastward.

Q. How far eastward would it be!—A. I can scarcely tell you.

Q. Do you take any large quantities!—A. There are large quantities caught there this year.

Q. What do you do in reference to them? You send regular fishing-vessels there!—A. Yes.

Q. Do you deal in frozen herring!—A. No.

Q. What you get you get purely for pickling!—A. It is put up in pickle.

Q. Do you pickle them yourself, or your people!—A. They are put up in barrels, and they make their own pickle.

Q. You send your own vessels and crews!—A. Yes.

Q. And they pickle them at the time they are taken on board!—A. Yes; they are salted down and make their own pickle.

Q. You just put the salt on them and they make their own pickle!—A. Yes.

Q. They are cured on board!—A. Yes.

Q. Well, now, in reference to the cod-fishing at Moisic and where you prosecute it, is it all an inshore fishery!—A. Altogether.

Q. You don't do any offshore fishing at all!—A. No; there are no banks there.

Q. Do I understand that there is no fishing for cod outside of three miles from the shore unless there is a bank!—A. There is none on our shores.

Q. What brings the codfish in there!—A. The small fish—the bait that brings them in on the coast.

- Q. What bait do you use for cod?—A. Sand-eels, caplin.  
Q. Sand-eels is another name for launce?—A. Yes.  
Q. Herring?—A. Caplin and squid.  
Q. Do you use herring at all?—A. Not for cod.  
Q. Have you large quantities of squid?—A. No very great quantities. There are only squid there for a short time, eight or ten days.  
Q. You say squid only come in for a short time. What time does it come in?—A. It comes in at the end of July or the beginning of August.  
Q. And previous to that the caplin come?—A. Caplin and launce.  
Q. The best bait, I believe, is squid, is it not?—A. When we can get them.  
Q. Do you ever fish for cod with salted bait?—A. Never.  
Q. Would it be possible, in your judgment, to carry on the cod-fishing with salt bait at all?—A. It depends on the kind of salted bait.  
Q. What kinds would be good?—A. Salted clams it could be carried on with, but not advantageously.  
Q. Then I presume it would not be carried on. I understand that the only salt bait that could be used is clam?—A. Yes.  
Q. And with that it could not be carried on advantageously?—A. Not that I know of.  
Q. On the Banks is there any bait to be found, as a rule, with certainty? I refer to those that fish for cod in the gulf. I do not refer to other places.—A. Not that I am aware of.  
Q. All the bait taken for the Bank offshore fishery is taken inshore?—A. It is caught inshore.  
Q. Have the government of late not taken any steps to protect the fisheries along the shores on the north shore of St. Lawrence and other parts of Quebec?—A. There are officers appointed along the whole coast to enforce the fishery laws and report to the cruisers.  
Q. Do you find that the enforcement of the regulations has had a beneficial effect upon the bait-fishing?—A. Well, we have always had an abundance, and we still have.  
Q. What about the increased salmon fisheries? Does it protect them?—A. Yes; they have been increased very considerably.  
Q. What effect has the increase of the fish in the rivers upon the sea fishing outside? Does it increase it?—A. I do not think it has any effect on the sea fishing at all.  
Q. Well, what do you get in the Quebec market for your codfish that you send up?—A. Fresh or cured?  
Q. Take the fresh.—A. I get from three to four cents a pound for them fresh.  
Q. Halibut?—A. From five to eight cents.  
Q. For the dry fish that you send up, or salted in barrels?—A. We get from \$4.50 to \$5.50 a barrel.  
Q. Do you send up any dried in the form of quintals?—A. Not in these past years.  
Q. Is the supply of codfish increasing or diminishing to your experience for the number of years you have had experience in this business?—A. That is a difficult question to answer.  
Q. Is the supply of codfish on your coast where you carry on your fishing operations increasing or diminishing, or is it about the same?—A. Much about the same, I should think. It fluctuates a good deal, as every other fishery does. But upon the whole, taking it over a term of years, it seems much about the same.  
Q. As when you commenced?—A. Yes.

Q. Well, is not the cod-fishery, as a rule, a pretty certain fishery?—A. As a rule it is.

Q. Some seasons it fluctuates a little. How do you account for that—do they not come in or do they refuse to bite?—A. It is owing to the scarcity of fish in the locality.

Q. And these fluctuations seldom occur?—A. They are not a common occurrence.

Q. Now in reference to the coast along there, do the people that fish on that coast stay as a rule?—A. The great bulk of the fishing population is a fluctuating population coming from Bay Chaleur and the coast of the river St. Lawrence, the parishes along the river St. Lawrence.

Q. From Magdalen Islands?—A. Very few comparatively.

Q. Is the coast about Moisic and eastwards towards Belleisle a farming country at all?—A. Not at all.

Q. Is it wooded?—A. The climate is such that it could not be an agricultural country. The frost is there late in the spring and early in the autumn. Where the people try to raise potatoes on the coast they get all black generally about the middle of September, before they come to maturity.

Q. It is not fit for farming purposes at all?—A. No.

Q. Have you your establishments on the shore?—A. They are on the banks of the Moisic River.

Q. How far are they from the shore?—A. They are built immediately on the bank of the river.

Q. How far from the shore of the river Saint Lawrence?—A. About half a mile.

Q. Is it wooded in there at all?—A. Back from the establishments it is. Not immediately on the coast.

Q. What is the size of this Moisic River?—A. How do you mean; the volume of water?

Q. The width.—A. It is about two miles wide in the estuary at the mouth. Farther up it is 300 or 400 yards.

Q. Does it discharge a large volume of water in the gulf?—A. Yes.

Q. Is it navigable far up?—A. Boats can go up 14 miles.

Q. There are no settlements along it at all?—A. No. We had frost this year in July.

Q. Well, this Moisic really is a fine salmon-fishing river?—A. Yes; very fine.

Q. Do you lease it?—A. Yes; I lease it from the government.

Q. May I ask you, since the Washington Treaty, have you availed yourself of the privilege of sending any of your fish into the American markets, your cured fish?—A. Not cured fish; I can do better at home. As to the fresh fish, we have always previous to the Treaty of Washington sent some there—fresh salmon.

Q. Do you still?—A. Yes.

Q. The treaty has in no way, in regard to fresh fish, altered the course of trade?—A. Not at all.

Q. In reference to cured fish or salted fish, you send none into the American markets at all?—A. None at all.

Q. And, as far as you know, that is the case along the whole coast of Labrador and the north shore?—A. Yes, altogether.

Q. Are you aware of any trade between any portion of the province of Quebec and the United States in cured fish?—A. None that I am aware of.

Q. So that in fact, while you send from Quebec no cured fish what-

ever to the United States, you find that in your markets you are met with cured fish from the States?—A. We are.

Q. In reference to the other fish, take cod and other fish, don't you think the protection of the fisheries gives an increased quantity of bait in the estuaries of the rivers, inducing them to come inshore, or have you ever turned your attention to it at all?—A. I could not say that it does.

Q. Can you say that it does not?—A. No.

Q. You don't know, in other words?—A. No.

Q. Now we had some evidence here, or some questions rather—not evidence—put by the counsel for the United States, about some wonderful starvation along that shore some years ago. It was stated to have taken place in the neighborhood of Moisic. The inhabitants were said to be in a dreadful state.—A. The cause of that starvation, if I may so term it, was this: there was a party of people that came in partly with the expectation of fishing, partly with the expectation of employment from the Moisic Iron Company.

Q. What was the Moisic Iron Company?—A. It was a company formed of Montreal persons, represented by Martin Molson. They commenced to make iron in the neighborhood out of black sand—magnetic iron sand. They established forges for the purpose, and gave a great deal of employment in cutting timber to make charcoal. These people expected to get employment for the first year in cutting timber, at so much a cord, for the making of this charcoal. The Moisic Iron Company stopped operations suddenly in the autumn of 1875, and these people were altogether left without the employment that they expected.

Q. Well, then, in fact it was the failure of this company to carry on operations, and not the failure of the fishery, that led to the distress?—A. Altogether; because our population is a floating population, and leaves the coast, generally, during the winter.

Q. No fisherman, in his senses, would remain during the winter?—A. Very few; there are a few, but very few.

Q. How do those few that remain get on?—A. They provide out of their fishing during the summer. They have a sufficiency provided to keep them during the winter.

Q. Well, then, I understand that along the coast you speak of, the whole north shore, of the coast as far as the strait?—A. No; not as far as the Strait of Belleisle—to Natashquan.

Q. That is opposite the north end of Anticosti?—A. Yes.

Q. From all along there there is good fishing along the shore, is there not?—A. Yes; all along.

Q. As far as you are aware, this is practically inexhaustible?—A. I would not say that, but that the codfish resort to the coast in great numbers during the season.

Q. I suppose you don't know what process might be invented by our ingenious American friends to kill them off?—A. No.

Q. But if the present line fishing is carried on they are practically inexhaustible?—A. It would depend on the number of people employed to catch them. I would not say they are inexhaustible.

Q. You have not found them diminishing?—A. Not with the number of people heretofore employed.

Q. Has not the number increased that is engaged in the cod fishery?—A. Considerably during the last few years.

Q. But the fisheries have not decreased?—A. No; the quantity caught has increased.

Q. And the supply has not decreased?—A. No.

Q. It is open to the Americans, if they choose, to set up establishments and go into the same business you are in?—A. Yes; I understand that to be the case.

Q. They can send to the same markets you do and compete with those that sent to Brazil and the Mediterranean as well as they do now with you in Canada?—A. Yes.

By Mr. Foster :

Q. I think you fix upon the year when the American vessels cleaned out the halibut and were themselves cleaned out by the cutters as being 1868 or 1869, didn't you?—A. I would not place the year decidedly. It was the year that the cutters were preventing them from fishing in there.

Q. The halibut disappeared from that time?—A. Yes.

Q. Then the Americans didn't foolishly come in any more for it?—A. No.

Q. Your cod fisheries and supplies of bait for them have continued to be in a prosperous condition. They did not fail?—A. Not since I have been on the coast.

Q. Formerly you sent dried fish to Spain, and dried it hard, I suppose, in the way described?—A. Yes.

Q. Now you send it, dry salted, to Quebec?—A. Yes.

Q. How long will it keep, dry salted?—A. Nine months. Until the hot weather of the succeeding summer comes on. It does not make brine at all.

Q. Just dry salt?—A. The barrels are left porous to allow the pickle to escape. They have holes in them.

Q. Do the Americans send to the Canadian markets any codfish of that description?—A. Not exactly that description; they partially dry them.

Q. The American mode is not to cure them hard, but to cure them in the sun a few days?—A. Yes, those that come to our market.

Q. Those will keep a year or so?—A. No, not very long.

Q. Do the Canadians cure them at all in that method?—A. No.

Q. The Americans do not cure it hard?—A. No.

Q. So the amount of it seems to be that there is a different mode of curing codfish in the two countries. Your people prefer the codfish either dry salted, or cured in the American fashion?—A. O, a good number of hard cured fish is used as well.

Q. Cured as you cure them for Brazil?—A. The same.

Q. I thought that where the other was obtainable it was generally preferred?—A. No.

Q. The hard-cured fish keep much longer than the fish you speak of, but I thought that where the people were near enough to have a constant supply of fish not cured hard, they usually preferred it?—A. Well, the market has been supplied for a number of years previous, and still there is a considerable consumption of large fish that comes from our own fisheries.

Q. Now, the boneless fish are cut-up codfish and hake (I suppose they don't take pains to have the best quality of fish). That is got principally in the States?—A. Yes; it comes entirely from the States, as I understand.

Q. Is not that the use to which the fishermen put the small fish, less than twenty-two inches long?—A. They do cut up a good deal of that class of fish.

Q. Before they had the habit of cutting up the fish, there was not

much of a market in the States for small codfish, twenty-two inches long?—A. There was not much home market.

Q. So they had to be dried hard and exported?—A. Yes.

Q. Is your salmon trade with the States a pretty extensive one?—A. It has been.

Q. It does not grow any worse, does it?—A. Yes.

Q. Why?—A. From our railway facilities, which are increased, and bring a large supply into the market from other places.

Q. Then the people further off than Moisic now compete with you?—A. The people, such as those in the Bay Chaleurs, who were shut out altogether from the fresh-fish markets, can now come in.

Q. Will you tell me where the salted herring go?—A. They are principally sold in Canada altogether.

Q. Do any of those go to the States?—A. None of ours.

Q. Those are not in brine, are they?—A. They are.

Q. Do you happen to know whether there is much of a market in the States for that kind of herring?—A. There is a large market for herring. Still, we find we can do better at home.

Q. You expressed an opinion that the cod fishery could not be advantageously carried on with any salted bait, except salt clams, and not so well with that as with fresh bait. Do you happen to know how many years it is since they began to use anything but salt fish on the Newfoundland Banks?—A. No; am not acquainted.

Q. Now, I do not know that I care anything about this starving population at Moisic, but did you read Captain —'s report?—A. I did not.

Q. Do you know him?—A. Yes.

Q. Is he in good health?—A. Yes.

Q. He is where the British Government or their agents could get him and have him here?—A. He was performing his duties; going around as a fishery officer.

Q. He has been around getting evidence for this case, has he not?—A. Not in my neighborhood.

#### No. 47.

WEDNESDAY, August 29, 1877.

The Conference met.

JAMES A. TORY, custom-house officer, and formerly a fisherman, of Guysborough, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe :

Question. How long have you acted as a custom-house officer?—Answer. During the last four years, I think. Previously I was a master of a vessel for, perhaps, thirty years. During a large portion of this time I was trading and fishing on the coast. I was master of my own vessel. I have been during that period partially acquainted with the fisheries along the eastern portion of this province and around the Island of Cape Breton. I have also been slightly acquainted with the fisheries in the Bay of Chaleurs. I am acquainted with the mackerel fishery, so far as the shore fishing is concerned, but I have never prosecuted vessel fishing. The shore fishery I have, however, prosecuted.

Q. Have you seen the American mackerel-fishing fleet on our coasts?—A. Yes; I have seen portions of that fleet on several occasions.

Q. I believe that you were master of a cutter charged with the protection of our fisheries?—A. Yes; I so acted on four different vessels for three years. Their names were the *Ida E.*, the *Sweepstakes*, the *S. G. Marshall*, and the *J. B. Dunscomb*.

Q. During what years did you so act?—A. During 1870, 1871, and 1872, I think.

Q. How far from the shore do the Americans usually fish?—A. That depends on circumstances; they come in as close as they can, where they can find water in which to float their vessels, when they are not prevented from fishing inshore. They come in close to the shore in order to raise the mackerel and take them out into deep water. I have been acquainted with their mode of raising the mackerel during the whole period I have fished on our coast. I have been in the habit of seeing them fishing along shore. There are places where they come within a cable's length of the shore. Where the water is shoaler, they, of course, keep farther off; more than that, I have even seen American vessels come to anchor and spring up to their cables, where there was hardly water enough to float their vessels along the shore.

Q. Generally speaking, how far from the shore are they in the habit of catching mackerel?—A. They commence to fish as close inshore as they can, and then they drift off. This depends upon the winds; when the wind is off shore, they drift off, and when the wind is inshore, they can only fish by coming to an anchor.

Q. When the wind is off shore, how far do they drift off?—A. Until they get into deep water and lose the fish. I would not attempt to define the distance. They may drift off half a mile, or three or five miles, before they lose the fish.

Q. How do they raise the fish?—A. By throwing out bait; and then they drift off until they lose the fish. Afterwards they run in and try again, drifting off shore once more and then running in again; they lose the fish in deep water. It is possible to lose a school of fish in ten minutes after raising them, and they may drift off five miles before doing so.

Q. You say that this is generally their mode of taking mackerel?—A. Yes.

Q. Have you had conversations with American skippers on the subject from time to time?—A. Yes.

Q. What have they invariably said with regard to taking the fish inshore?—A. Their general expression was, that if they were prevented taking the fish inshore, they would have to quit fishing here. I only now repeat what they have told me. The same thing was stated by every one of them with whom I ever conversed on the subject.

Q. Did you ever hear from any of them a contrary opinion?—A. No; never.

Q. Have you ever heard American skippers who were prosecuting the cod fishery express an opinion with reference to the value of the privilege they enjoy, in being able to procure bait on our coasts?—A. Well, they said that if they could not get the bait here, they would have to give up their voyages.

Q. Is that the general opinion?—A. That was the opinion of every man to whom I spoke on the subject. They said that if they could not procure bait on our coast, it would not pay them to come here to fish.

Q. While you were cruising to protect the fisheries, did you ever find any American vessels fishing within three miles of the shore?—A. Yes. While the cutters were present they would not come inshore, but as soon as the former were out of sight, they would slip in; and then if a cutter

hove in sight, they would fall off beyond the limits. This was so in all cases. I have known them to be so brazen-faced as to spring up to their cables and fish in the harbor of Port Hood; this was while I was cruising in a Canadian revenue-vessel. On that occasion I ran from the Strait of Canso to Port Hood, and unfortunately it so happened that there was a patch in my topgallant-sail; they knew it, and as soon as they saw it they went out beyond the limits. I saw the vessels—they were two in number—going out, and with a glass I saw them springing up to their cables while lying in the harbor. I followed them until they were out of the limits, and they shortly afterward went home. They knew what their doom would be if they remained. I would not attempt to say that American mackerel-fishing vessels would not come into the bay at all unless they had the privilege of fishing within three miles of the shore, not knowing what they would really do under such circumstances; but I do not think they would do so. If they are confined to the provisions of the Treaty of 1818, they cannot fish in our waters without violating that treaty.

Q. Do you say this from your own knowledge of the subject?—A. Yes.

Q. And from the opinion you have universally derived from the Americans themselves?—A. Yes.

Q. How many American vessels have you seen in a fleet at one time?—A. I think that the greatest number I ever so saw was about 300 sail in Port Hood Harbor. I also on another occasion saw about 300 sail in Cape Canso Harbor. In this case, but not in the former, so far as I am aware, the vessels were counted, and their number was estimated at 300. I consider that at the time this was not one-half of the American fleet which was then in the bay. It would be very strange to see their whole fleet at once in one place.

Q. Have you heard that they ever have had a large number of vessels in the bay at one time?—A. I have understood that they have had over 1,000 vessels there some years. During other years there were not so many.

Q. Have you ever known of the American fleet ever attempting to raise mackerel save by coming inshore, as you have stated?—A. No. They have followed this practice about Cape Breton and Prince Edward Island, in the Bay of Chaleurs, and about the Magdalen Islands.

Q. For 30 years, you have for the most of the time traded and fished as master of a vessel along the coast during the summer season, I believe?—A. Yes; and for a longer period.

Q. And during this time you have never known of their attempting to raise the fish except within three miles of the shore?—A. No; but still I do not say that they have not done otherwise.

Q. Is the boat mackerel-fishing on the parts of the coasts with which you are acquainted, increasing or decreasing?—A. I think that it is increasing. This fishery is pursued by two classes of men, those who use the hook and line and those who use nets. The former are, I think, increasing, and the latter decreasing. As far as my experience goes I have remarked that when the American vessels keep off our coast, our net fishermen have done better than when there was a large fleet fishing inshore. I only speak of places where I have fished myself—Chedabucto Bay, for instance.

Q. In what year was this the case?—A. It was so every year. I remarked that every year when the cutters which were in the bay kept the American fleet off the coast, those fishermen always made better voyages, taking a large catch of fish. My idea in this respect is this:

that when there is a large fleet on the coast, bait is thrown out by them, and the fish are thus detained eating that food until it is too late in the season for the shore fishers to do anything, and that when the fish leave this food, they are in a hurry, and the weather being rough in the fall of the year, they make a straight run of it to the westward. When the fleet was not along shore, the fishermen I have mentioned did better, because the fish came on earlier in the season, and accordingly were found in greater numbers along the coast.

Q. How did you catch the fish?—A. With nets and seines. I think that the year when the Devastation was in the bay I took with one seine at different times 4,000 barrels of fish. Several seines were drawn on the same beach.

Q. Was the American fleet effectually kept off that place?—A. These vessels did not come there, to Chedabucto Bay. There is only the Strait of Canso between it and North Bay, and when the American fleet was kept off the coast the fish came on and came into our bay. The fleet was kept off the coast that year and other years, but I speak of that year particularly.

Q. Did you also buy mackerel?—A. Yes.

Q. Did the duty formerly imposed by the Americans at the time affect the prices paid to the fishermen for the mackerel?—A. When the duty was taken off, after the negotiation of the Washington Treaty, I could not see that it caused the price of our fish to raise at all, or that this affected the price at all. My opinion is that the duty only affected the American fishermen by giving them the privilege of obtaining more than our fishermen for their fish, by the amount of the duty.

Q. That is, when a duty is imposed and the Americans are allowed to fish on our shores?—A. Yes.

Q. What was the difference between the prices paid for mackerel previous to and after the imposition of the duty, and since?—A. I do not know that I can answer this question. I have not been in the habit of exporting fish.

Q. Did our fishermen get more or less for their fish on account of the existence of the duty?—A. I saw no difference in the prices, whether the duty was on or off.

Q. Do you consider that the imposition of a duty upon our fish entering the United States would reduce the price of our fish?—A. It might lessen the price to the exporter from here, because he would have to pay the duty; but I believe that it would affect the price of the fish as regards the Americans themselves, by giving them a bounty of \$2, or whatever the duty might be, over our fishermen.

Q. Suppose that the American vessels were entirely and rigidly excluded from taking fish on our coast, and from transshipping and procuring bait here, do you think that this would be in the interest of our fishermen? Would it enrich and make them more prosperous?—A. I think that it would.

Q. And is this the general opinion among our people?—A. Yes.

Q. They think that it would be to our advantage to protect thoroughly our fishermen?—A. Yes; that is the general expression of opinion among our fishermen.

Q. Of course you know the opinion of our people on the subject?—A. I am pretty well acquainted with it as far as the fishermen themselves are concerned.

Q. I believe that you have made a great number of inquiries in this relation of late years?—A. I have spent a good deal of time in doing so.

Q. And that is the general opinion?—A. Yes; among our fishermen.

Q. Do our people consider that it is a great advantage to them to have the duty the Americans formerly imposed on our fish remitted?—A. I have heard them say that they would willingly pay the duty if the Americans were prevented from fishing on our shores.

Q. To what part of the coast were you assigned for the protection of the fisheries?—A. I was stationed between Cape Canso and Cape North on the southern side of Cape Breton, with the privilege of going around the island of Cape Breton when I had time.

Q. I believe that this part of the coast is not so well adapted for mackerel-fishing as other parts?—A. No. It is less resorted to than other parts by the American vessels.

Q. Did you capture any American vessels?—A. Yes; three or four, I think, for fishing within the three-mile limit.

Q. And you are satisfied that a great many other American vessels run great risks by so fishing?—A. Yes; I followed several of them for doing so. Of course I did not allow the patch in the sail I mentioned to betray me another time. I sent to Halifax and procured a new sail.

Q. Did you ever know of any of our vessels go to fish in American waters?—A. I never heard of any save one. I was on board of her, and the captain told me that she had been fishing there this spring.

Q. Where is that vessel now?—A. She went to the North Bay, seining. I saw her seining there. I cannot tell where she is now. I forgot her name, though I made a record of it. I have not the paper by me.

Q. How long was she there?—A. A short time.

Q. Did she catch anything?—A. The captain told me that he took about 110 barrels fifteen miles off the American shore. I also took the captain's name, but I forgot it.

Q. Are there a large number of light-houses on the coasts of New Brunswick, and Nova Scotia, and Quebec?—A. Yes.

Q. Is their number being increased?—A. Yes; this has been the case of late years.

Q. Is that an advantage; and if so, what advantage is it to the American vessels?—A. It is a very great advantage to all vessels, and to American vessels as well as others. Formerly American vessels paid light-dues, but of late years up to four years ago, as far as I am aware, they have not done so. I think that they paid light-dues during the existence of the Reciprocity Treaty, these being collected at various points.

Q. Are you acquainted with the coast of Machias, Seal Island?—A. No.

Q. Do you know the number of lights that are in the gulf?—A. No; but I know that their number is very considerable.

Q. Have the number of fog-whistles on the coast been increased?—A. Yes; but I do not know that I can give their exact number. There are quite a number of them.

Q. These are useful to the fishing-fleet?—A. Most assuredly they are

By Mr. Dana:

Q. You have had no actual experience as a fisherman in sea-going vessels?—A. I have never fished in vessels; I have done what we call shore fishing.

Q. You would go out and return the same day?—A. Yes.

Q. And all you have to say about the deep-sea mackerel-fishery is derived from other persons?—A. No. What I have stated has been derived from my own observation, because I have fished in harbors, and

have gone from home prosecuting the fishery in different harbors where I have seen the vessels to which I have referred. I have gone from Guysborough to Fox Island, and about Cape Canso, and from there to Port Hood, and Sydney, and other places.

Q. You have not fished in a vessel of your own on the deep-sea fishing-grounds?—A. No.

Q. Therefore, all you can tell us in this regard has been derived from others?—A. No; it is derived from my own personal knowledge. I have myself seen the American vessels engaged in fishing.

Q. On the deep sea?—A. You may call it the deep-sea fishery, but I call it the inshore fishery, within 3 or 4 or 5 miles of the shore.

Q. You do not mean to speak about the fishery beyond that, as personally acquainted with it?—A. No.

Q. You say that it would be no use for the Americans to come here and fish for mackerel unless they could catch bait here?—A. I did not say so. I said that it would be no use for them to come and fish for cod here unless they could catch bait here. They bring their mackerel-bait with them, I presume.

Q. Do you consider that the effect of a fleet fishing within three miles of the shore, for instance, is to detain the fish at the place where the vessels are fishing?—A. Yes.

Q. Owing to the throwing of bait overboard?—A. Yes; in consequence of this the fish do not move on as usual in the course they are accustomed to take from one point to another.

Q. Have you found that this is the experience of fishermen pretty generally?—A. Yes.

Q. And the fish are driven off shore with the gales?—A. These also detain them in the North Bay; and consequently the fishermen to the westward are deprived of their usual catch. I do not mean to say that the throwing over of bait keeps the fish in one spot all the time; but this is generally the case when a large fleet is scattered over an extensive surface of water. The fish remain in such a neighborhood longer than would be the case otherwise. I think that boat-fishing is accompanied by the same tendency.

Q. Do you find that the fish are driven away by the throwing overboard of gurry and matters of that sort?—A. If a vessel throws over gurry, she will not stop to catch fish in that place, but make for a new berth. I think this is the best proof of the fact that she cannot procure fish where offal has been thrown. When they are about to throw offal overboard the vessel will jog off, so as to have it thrown outside of their own fishing-grounds. The vessel will hardly be moving at the time, having only steerage way. When the work in question is done the vessel works inshore and tries again for fish.

Q. And you think that the effect of throwing offal overboard is to drive the mackerel from the place where it is thrown in to some other point?—A. Yes; and this remark applies not only to mackerel, but to all kinds of fish. The throwing over of offal disturbs the fish.

Q. Has a trade in squid grown up in Cape Breton?—A. Large quantities of squid are caught there.

Q. What do the people do with it?—A. The inhabitants sell them to the French fishermen from St. Peter's, or to Newfoundlanders.

Q. Do the St. Peter's fishermen come there in their own vessels?—A. No; they charter vessels from Fortune Bay, Newfoundland. While on the coast in a cutter I considered that I would not allow French vessels to come there more than I would American vessels; but I found the French fishermen mostly on board of British vessels.

Q. Newfoundland vessels could come there?—A. Yes; I would not interfere with them.

Q. Do you think that this was a promising trade to the people?—A. I think so.

Q. You did not object to the French coming there to buy squid, I suppose?—A. I did not treat them as Frenchmen, when I found them in British vessels.

Q. Suppose that a French ship were to have come there under French colors, not to fish but to purchase squid as a matter of trade, did you understand that you had a right to seize the vessel?—A. I should forbid their buying if that was their object; but they would not come merely to buy; they also came to fish. They combined together fishing and buying; that was the only way in which I ever met them on the coast.

Q. Suppose a French vessel merely came to purchase squid, would you consider yourself authorized to arrest the men on board?—A. I do not know that I would have done so with either a French or an American vessel under such circumstances. I have known American vessels come there to buy bait, and I did not interfere with them, save so far as to compel them to go to a custom-house to enter goods and pay duties if they were selling goods.

Q. I observe in your report dated November, 1872, and published in the report of Commissioner of Fisheries in 1873, that you say:

I would here mention that a new trade in a species of fish known by the name of squid (which has heretofore been looked upon as useless except for bait) has sprung up on the eastern coast of Cape Breton with the French, who come to that part of the coast in Newfoundland vessels, and there purchase cargoes of those fish, which amount to a considerable sum of money, and are carried by them to St. Pierre and the Banks to supply their fishermen with bait. I have no doubt but this branch of our fisheries will be continued and further extended, and thereby become a profitable source of wealth to those engaged on it.

Have you now any reason to change the opinion you then and thus expressed on that point?—A. I have not.

Q. These vessels which came to buy cargoes of squid, dealt directly with the fishermen, did they not?—A. Yes, so far as I am aware.

Q. Would you not consider that this was a benefit to the fishermen concerned in that trade?—A. Yes.

Q. For what offenses did you seize American vessels when in charge of cutters?—A. For violating the treaty of 1818, by fishing within three miles of the shore.

Q. Did you ever arrest an American vessel merely for purchasing or selling matters of trade?—A. Yes; I seized one for selling dutiable goods.

Q. What was her name?—A. I forgot, but I think it was the Grenada. She was at the time in Port Hood Harbor. I found on board of her a quantity of what would be called smuggled goods, and a large quantity of dutiable goods which she had not cleared out at all from any American port. She got them on the way up somewhere. She had liquors on board.

Q. Had this vessel any license to trade?—A. I think that she had an American license to trade. She was on a fishing voyage.

Q. And had goods on board to trade with?—A. Yes.

Q. Did she not have a manifest of them?—A. I think so; but there were on board goods which were not included in her manifest.

Q. Did you seize her for that reason?—A. I seized her for selling on the coast goods which had not been entered at the custom-house.

Q. Had you proof of this?—A. Yes; I was aware of it.

Q. Why did you seize her if she had a manifest, and conformed to the laws and had a manifest?—A. She did not conform to the laws; she was over a week on the coast without going to the custom-house to report.

Q. Then you did not seize her for trading?—A. I seized her for the violation of the customs laws generally, and she was condemned for selling goods which were not mentioned in her manifest, and for the violation of the custom-house regulations.

Q. What became of the vessel?—A. She remained in Guysborough Harbor while the captain and owner came on to Halifax. The latter would not go before the admiralty court, but he made an arrangement with the deputy minister of justice, to deposit a sum of money as a fine. The money, \$800 I think, was deposited with the minister of customs, and the vessel was allowed to go. The minister of customs was to see whether the fine would be reduced or not.

Q. And you do not know whether anything was really paid?—A. I only know that the money was deposited.

Q. Did you capture more than one vessel for trading in violation of the laws?—A. Yes; I seized a schooner called the D. H. Mansfield.

Q. For the same reason?—A. Yes.

Q. What became of her?—A. She was liberated. A portion of her cargo was, however, confiscated and sold. She had sold large quantities of kerosene oil.

Q. Did you arrest any more American vessels for that reason?—A. Not that I am aware of just now.

Q. How many American vessels have you arrested solely for fishing within three miles of the coast?—A. Four, I think.

Q. Where?—A. One at Aspée Bay, one at Ingonish, one on the south side of Cape George, and one at Broad Cove.

Q. Did you catch them all fishing within three miles of the coast?—A. Yes.

Q. Did you see them doing so?—A. Yes.

Q. What became of them?—A. One was confiscated and sold; another was confiscated, and bonds, which I presume were paid, were entered into for her; one was stolen, and the fourth was confiscated and sold under condemnation of the admiralty court.

Q. Was the vessel which you mentioned as having fished in American waters the Lettie?—A. I think not. I was on board of her in Canso Harbor, and the captain told me he had been fishing in American waters; I had no reason to disbelieve the statement. He lives in Nova Scotia, on the western shore, in Shelburne I think.

Q. When did you see this vessel?—A. Within the last two months. She went south as far as Delaware, I believe, and fished in American waters this spring. He went down to meet the mackerel and follow them up, I presume.

Q. Did he get up about the time that the mackerel were due here?—A. I saw the captain within the last two months and I think he had then but a short time returned from the American coast.

Q. He had not then fished up here?—A. I do not know but that he had been trying for fish on his way up. The vessel was a seiner; I saw him afterwards with a seine, and it was in the water I think at the time, in Chedabucto Bay. I think he had been here and discharged whatever he had had on board, and fitted out anew. He said that he intended to fish up here.

Q. During how many years have they been building up the light-houses and fog-whistles which you mentioned on this coast?—A. Since

Nova Scotia was first settled I believe; but during the last ten years their number has been increased much faster than was the case previously.

Q. That is since 1867?—A. Yes.

Q. This was after the termination of the Reciprocity Treaty; then do you suppose that all this has been done to enable the Americans to fish more safely within three miles of the shore?—A. I do not say that they have been established especially for the benefit of the Americans; but I say that they are a benefit to the Americans.

Q. That is if the Americans are near the coast?—A. They are half of their time within gunshot of the rock on our coast.

Q. You do not mean to convey the impression that what I mentioned was a part of the policy of the Dominion?—A. No; these light-houses and fog-whistles have been erected for the benefit of the maritime interests of the Dominion, I presume.

Q. And of all foreign vessels that have a right to come here?—A. Yes; it is done to make our coast more easy of access.

Q. Do you suppose from your experience that it would be practically possible to keep the American fishermen from fishing within three miles of the coast, whatever a treaty may declare, with such expenditures at least that are likely to be made for the purpose?—A. That will depend chiefly on the degree of protection provided for the purpose along the coast.

Q. What protection will likely be given within the limits of probability and reason, that will enable you to keep the American fishermen from fishing within three miles of the coast, so as to afford to your own fishermen a practical monopoly of your fishing-grounds?—A. In the first place armed vessels would have to be provided, and in the next place detectives would have to be stationed along the shore, and in the harbors where and to which the American vessels resorted. The latter would watch every movement these vessels made and report them, and finally if the vessels violated the law, this would lead to seizures, and hence they would find it to their interest to keep off our shore.

Q. Do you think that if sufficient watchfulness was shown and if a sufficient number of officers was appointed to do the work, it would be done?—A. I think that it can be done with proper officers.

Q. You consider it practicable?—A. Yes.

Q. With a reasonable expenditure?—A. I would not undertake to speak on that point. I think that it would entail considerable expense. I do not know what the government would decide upon in this regard.

Q. It would require a pretty large expenditure?—A. Certainly; because our coast is a very long one.

Q. It would be necessary, I suppose, to have the co-operation of the people living on the shores of those Provinces in order so to exclude the Americans?—A. I do not know that this would be necessary. If I am an officer, I have simply my duty to perform, without regard to whether I am indorsed in its performance by the inhabitants or not.

Q. Suppose that fishermen and others, and a large class of people along the coast, had an interest in having the Americans come here, as they wanted their trade with regard to the sale of bait and frozen herring, and of such articles as can be lawfully sold with a license to trade, do you not think that it would be a more difficult and expensive matter to keep the Americans off the coast than would otherwise be the case?—A. In the first place, the class of persons who are interested in and who have this trade is the smallest number, by a very great degree, among our inhabitants.

Q. But if there were a considerable number of such persons, would not this fact make it more difficult for those on the cutters and other people interested in the matter to keep the Americans off the coast?—A. I do not think it would.

Q. You have said that the throwing over of gurry tends to drive the mackerel from the place where it is cast?—A. Yes.

Q. Why, then, does not the pogie-bait, consisting of the heads, body of the fish, and whatever they contain, also drive the fish away?—A. If I correctly understand the mode of preparing this bait, the fish themselves, but not their garbage, are used for bait.

Q. Nothing but what remains after the heads and tails are cut off, and they are cleaned, is used for bait, in your opinion?—A. Yes.

Q. With reference to the throwing over of this gurry, suppose that there is a very strong current—8, 10, or 12 knots an hour—where it is thrown, do you not think that this would make a difference?—A. Yes, if such a thing existed; but a 10-knot current cannot be found on the coast. Even in the Strait of Canso and in some tidal harbors the current runs only at the rate of about 4 knots; but around the coast the current runs at times only half a knot, or a knot, or, at the most, two knots an hour.

By Mr. Weatherbe:

Q. Do you know anything about the number of barrels of mackerel which the American vessels catch in our waters?—A. The vessels vary in this respect. I was informed by the master of an American vessel that they landed from 1,500 to 1,600 barrels during one season at the Strait of Canso. Part of these were transshipped, and the rest were taken home in the vessel at the end of the voyage.

Q. How many trips did he make that season in the bay?—A. I think that vessel made four trips that season. I understood so, at least, from the master.

Q. Do the American vessels make more than one trip a season?—A. Some make only one, while others make two and three trips; while in the case I just mentioned, as well as in several others, vessels made four trips a season. This is done when they land their fish on the coast and tranship, thus preventing time being lost by them, as would be the case during the season if they took the fish home.

Q. Have you a sufficient knowledge of the American catch in our waters to average it?—A. It would be a pretty difficult thing for me to do that.

Q. Judging from the inquiries you have made, what would you consider the average per vessel to be?—A. It might be from 500 to 600 barrels a season; but I would not attempt to speak decidedly on this point.

Q. Do American vessels come to our coast and combine fishing for and the buying of bait?—A. Yes; they will buy it from the inhabitants; while their crews will catch it, when the opportunity for doing so is presented, by the appearance of a school in their neighborhood at the time.

Q. I believe that one of the four vessels which you seized was stolen?—A. She was taken out of Guysborough Harbor.

Q. By force?—A. Some one took her off. She had been seized, brought in by me, and stripped of her sails and rigging, which were placed in store. The latter was also taken away. This was done in the night. I had two missions: one was to protect the fisheries, and the other to protect the revenue. This was the case all the time I was cruising on the coast.

Q. Could the Americans be effectually excluded from our coast fishing-grounds at very small cost, which would be repaid by the recovery of a very large amount from the sale of vessels seized? Is it not possible and quite practicable to do this?—A. Yes; detectives would have to be employed in the work.

Q. Would it not be quite practicable for detectives to go on board vessels, or observe their movements from the shore, taking their names and noting the circumstances under which the vessels were seen, and to have the vessels afterward seized wherever found?—A. It could be thus ascertained, when they had violated the law, and they could be seized by armed vessels. These latter would be necessary for the purpose.

Q. Do you think that the crews would resist by force?—A. They would be strange men if they did not, on opportunity for doing so presenting itself.

Q. But assuming that they would not resist any legal means employed in seizing the vessel, what would be the case?—A. Certainly; then they could be taken without any expense.

Q. Is it unusual to seize vessels in port. I think that you so seized one of our own vessels the other day for a violation of the law?—A. Yes; that was a very simple thing, because when I took her papers she became useless to the owner or crew.

Q. It is fair to assume that no forcible resistance to the constituted authorities would be made by crews of American vessels on being seized, under the circumstances instanced?—A. If there was no resistance they could be taken without any trouble.

Q. Then it could be done without the aid of armed vessels?—A. No difficulty would be experienced in making seizures if no resistance to it were offered, but my opinion is that work of that kind cannot be carried out without the co-operation of some force.

Q. But force could be available in the port where the seizure might be made?—A. Yes.

Q. Assuming that such provision were made at the Strait of Canso, could vessels be there seized for violation of the law, and this be carried out without difficulty?—A. If the crew did not resist, the vessel could be taken without any trouble. In that case it could be done with a very small expenditure.

Q. Taking care that no case would be tested unless you were absolutely certain as to the facts, would it not be quite practicable to prevent altogether American vessels from coming inshore and fishing illegally if this were illegal at any time?—A. It could then be done with less expense certainly; detectives could be stationed all around the coast, and as soon as the violation of the law by vessels was ascertained, and the latter were aware of what was being done, they would keep off the coast.

Q. You never met with any resistance when making seizures?—A. No; I cannot say that I did.

Q. Did you ever meet with any resistance in such cases?—A. It was needless to attempt it; but I do not say that this would not have been attempted if I had not been prepared for it.

Q. You had only one small vessel?—A. Yes.

Q. And they had a large number of men on their vessels?—A. What was the good of them; they were not armed. If three or four unarmed men came on board a vessel which had a crew of twenty men, the latter, if they were worth a button, would chuck them overboard.

Q. But if the crew knew that they had violated a law equally pos-

sessed by both countries?—A. When I made seizures, every man of them knew that they had violated the law, and they acknowledged it.

Q. Has the trade with American fishing vessels been very valuable to the people living in the Strait of Canso?—A. I think not as a whole.

Q. Have our people profited to any extent by this trade?—A. I think not, because, if this had been the case, we would likely see the result of evidences of increased prosperity; I consider that the result has been on the other side of the lee.

Q. The Americans buy certain necessities from the traders on shore?—A. Yes.

Q. Do not these merchants make any profit out of this business?—A. They may do so at the time, but I do not think that any of them have made money out of it in reality. Appearances are decidedly against the view that they have done so.

Q. Why do they not make money out of this business?—A. They buy a large quantity of goods for the purpose of supplying the Americans, and these goods often lie on their hands for a long time, thus occasioning loss. The Americans do not come and trade for the purpose of pleasing Canso people; they only buy what they actually need.

Q. Is it a usual thing for these dealers to have goods lying on their hands for a long time?—A. Yes.

Q. Have you conversed with the traders themselves on this subject?—A. I have talked with some of them, and I have known goods lie on their hands for years.

Q. Did they tell you that they had lost money in this business?—A. I think that, as a general thing, they have lost money. Sometimes they may make it.

Q. No licenses to trade are issued on our coasts?—A. No; I know of no such papers being issued.

Q. No American vessel can be licensed to trade on our coasts?—A. We pay no attention to the kind of trading papers which the Americans bring here. I take it for granted that this is a privilege granted them by the United States customs authorities.

Q. But the Dominion issues no such papers?—A. No. And we do not acknowledge the validity of their papers at all.

By Mr. Foster:

Q. Did you seize vessels for preparing to fish?—A. I seized one under such circumstances.

Q. What was she doing at the time?—A. Buying bait.

Q. What was her name?—A. The J. H. Nickerson.

Q. The case was tried here?—A. Yes; all these cases were tried here.

By Mr. Weatherbe:

Q. Was this previous to the Washington Treaty?—A. Yes; it was done while I was in a cutter.

Q. She was one of the vessels sold under decision of the admiralty court?—A. Yes. Perhaps it would only be right for me to explain that I seized her on the second occasion of her violation of the law to my knowledge. The first time I caught her I drove her off and she came back within three days and repeated the offense.

By Mr. Foster:

Q. You seized the vessel for buying bait?—A. Yes.

By Mr. Weatherbe:

Q. What were the men on board of her doing on the first occasion?—

A. They were buying bait. I warned her off and the vessel after a while went away, but within three days she returned to the same spot.

By Mr. Foster:

Q. And you warned off a good many other vessels?—A. I did.

Q. It was considered part of your business when you found an American vessel buying bait on the coast to warn her off?—A. I had no orders to warn them off, but I had orders to seize them for violation of the treaty.

Q. But you did give her notice?—A. Yes. I took that responsibility upon myself.

Q. This was the sort of thing of which the Americans complained, was it not?—A. I do not think that they complained of that particularly more than they did of anything else.

Q. The vessel was condemned here in Nova Scotia?—A. Yes.

Q. You found a judge in Nova Scotia who held that buying bait was a violation of the treaty, because buying bait was preparing to fish?—A. He condemned her.

Q. And they held the other way in New Brunswick, did they not?—A. I do not know anything about that.

By Mr. Weatherbe:

- Q. She was buying bait to go cod-fishing?—A. I cannot say whether the bait was caught or given, but I presume that she was buying it.

#### No. 48.

ROBERT McDougall, of Port Hood, in the county of Inverness, C. B., sheriff of the county, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You are sheriff of the county of Inverness?—Answer. Yes.

Q. You reside at Port Hood, the shiretown of the county?—A. Yes.

Q. Previous to your appointment as sheriff you were, I believe, carrying on business?—A. I was.

Q. Will you be kind enough to say how many years?—A. I have been carrying on business for myself for sixteen years, and I was carrying on business for another man in the same locality eight years.

Q. That is 24 years altogether?—A. Yes.

Q. At Port Hood?—A. Yes, part of the time on the island.

Q. That is at the mouth of the port?—A. Yes; the island is the cause of the harbor.

Q. At what time were you appointed sheriff?—A. In 1869; in February.

Q. You had an opportunity of communicating personally with a large number of skippers of American vessels?—A. I had.

Q. Did they deal with you?—A. They did, sir.

Q. Did they deal with the gentleman whom you served previously?—A. They did, sir.

Q. Then during that period you had constant opportunity of meeting them?—A. I had.

Q. During the fishing season, were they in and out of your place frequently?—A. They were.

Q. What number have you seen in that port at a time?—A. The most I can say upon oath that I ever saw was about 300 sails.

Q. At anchor in your harbor?—A. Yes.

Q. At one time ?—A. Yes; I remember getting upon a high hill and counting them.

Q. How far is the island from the town ?—A. A mile and a half.

Q. Did they fish between the island and the land ever ?—A. Well, I saw them fishing at anchor in the harbor.

Q. Well, did the mackerel frequent the shore between that island and the town ?—A. The mackerel comes right into the harbor along the coast as far as the eye can reach on each side, north and south.

Q. And do they frequent the shores of the island itself ?—A. Yes, they do.

Q. Then they frequent the shores of the harbor and of the island ?—A. They do

Q. The American vessels fish for them between the island and the town ?—A. Well, I have often seen them raise mackerel in the harbor and fish away there ; but they go out in the bay to fish. They generally go out of the harbor, north, south, and west, and lay to.

Q. These skippers dealt with you during the time you did business ?—A. Yes, considerably.

Q. They bought certain articles that they required on board their vessels ?—A. Yes.

Q. To any large extent ?—A. No ; they generally got some wood and some provisions that they wanted.

Q. Well, I would like you to state to the Commission, without going into details for that long period, the nature of that trade, what advantage it was to you and what advantage it was to them.—A. Well, the first year I went there on my own account. I hadn't half enough of anything that they wanted. Next year I went largely into it. I imported largely, and that year I didn't do anything at all. Then I was overstocked.

Q. So from year to year you could not tell exactly ?—A. No ; and eventually I had to cave in, as the saying is. I failed.

Q. After all that long period of endeavor to serve them and make money out of them ?—A. Yes. One year I would have a rush and another year nothing.

Q. To attract them at all, it was necessary to have everything that would be required ?—A. A little of everything. If I had stuck to my own people and kept nothing but what they wanted, I would have been better off.

Q. Do you give that as a fair illustration of the value of the trade with the American mackerelers on that coast ?—A. I do.

Q. There are a number of other gentlemen, also, that carried on that same business in the strait ?—A. Yes.

Q. Generally speaking, how have they fared ?—A. As far as my opinion goes, and from what I know, when the American fishermen left off coming in the bay—there was hardly a man in the Gut of Canso but when the Americans failed to come in the bay they failed in their business.

Q. Well, during the period that business went on, however, all that length of time, what kind of a business was it ; was it profitable from year to year ?—A. No ; they always told me that it was an unprofitable business.

Q. Well, during the period you were going on did you find it fluctuate in such a way that you were embarrassed ?—A. Yes.

Q. Continually ?—A. Yes ; it was not a sure business at all.

Q. They bought just what was necessary ?—A. Yes ; that was all.

Q. Was it an advantage to them to get these things ? Could not they

send home or go home?—A. O, they could have sent for them, but it was an advantage to them to get them there, for they might lose a great deal of fishing by having to go home.

Q. What kind of things did they get?—A. Wood, butter, sugar, molasses.

Q. Vegetables?—A. Yes, potatoes.

Q. Well, did you keep a supply of that kind of thing for them?—A. Yes.

Q. That is perishable?—A. Yes.

Q. Did you make any money on that?—A. No; for instance, this time I was telling you about, when a large fleet was in the bay. It was not one time but several times that there was a large fleet, but this time they got a good supply. They would clean me out, and I would get a good supply next time, when perhaps they would not come in at all. I had to throw out 200 or 300 barrels of potatoes.

Q. I don't want you to go into details largely, but do you give this as a frank description of the kind of trade that is carried on?—A. Yes. A stranger to come in would think we were making money hand over fist some days, but at the last we would make nothing.

Q. They would go to Souris or somewhere else next time?—A. Yes.

Q. When there were 300 of their fleet in there, what proportion did they usually estimate that to be of the whole fleet in the bay?—A. I never knew of any more than 600 being in the bay.

Q. What did they estimate it to be themselves?—A. I know I have often asked them. I used to think the whole fleet must be in. They used to say generally that there was only half of them.

Q. That was when there were how many in?—A. Three hundred.

Q. Would you give that as a general average there?—A. Yes.

Q. How much?—A. About 300.

Q. But you said before that was half?—A. Yes.

Q. Did they say that was half, or that it was not half?—A. They would say about half.

Q. Then you would give 600 as the general average?—A. Yes.

Q. Have you heard of a larger number being in some seasons?—A. No, not of the Americans.

Q. We had an American captain who said he was in the bay with 900?—A. I never heard of 900 being in the bay.

Q. Well, then, you give 600 as the average?—A. Yes. Of course, these last years there is nothing like that.

Q. There are fewer?—A. Yes.

Q. How is it this year? Is the fishing likely to be better?—A. Well, these four years past, since the American vessels don't come as numerously as they used to, our boatmen have fairly made what they call a little fortune.

Q. These boatmen have made a little fortune?—A. Yes, some of them.

Q. How many are there of them?—A. I have counted 60 in one day, not over a fortnight ago.

Q. Canadian boats?—A. Port Hood boats. I saw them in one string. They go together. The more the boats are tied together the less bait it requires. Very little bait comparatively does them, and when they are together they keep the school alongside of them.

Q. So that you would consider that the fish are there ready to be caught?—A. Yes.

Q. They are ready to take either hook, British or American?—A. Yes, indeed. Well, they tell me that the fish are plenty as ever, but that they don't bite.

Q. Well, how did they make their little fortunes then?—A. By catching mackerel.

Q. Those mackerel that did bite?—A. Yes.

Q. Then there must be an immense quantity, if there is besides those that they catch a large quantity that do not bite?—A. You could take them up in a scoop-net, sometimes, they are so thick there. I have often gone in a boat myself for the novelty of the thing.

Q. I believe the Americans have a better way of taking them than we have—some improved bait?—A. I believe they had at that time, but I think some of our men are fully able to catch them now with the Americans. At that time, when the Americans used to frequent the place, they were no doubt ahead.

Q. Since you have been appointed to your office you do not know so much about the matter?—A. No, only what I can hear. The fishermen around there tell me that since the Americans left off going down they caught their fish right inshore.

Q. Now, do you know where the American cod-fishing fleet procure their bait?—A. Yes, a good many of them.

Q. Before I leave this matter, do you know from the Americans themselves where they fished—how near the shore they fished? You have seen them, have you?—A. Yes.

Q. Where?—A. Within three miles of the shore often.

Q. What is their usual method of fishing; when they come in where do they run first?—A. Between Port Hood and Margaree, and in Bay Saint George.

Q. How close do they come?—A. When they first commence to throw bait they are from half a mile to a mile and a half or two miles. I have seen them come over where a boat would be fishing from half a mile to two miles out, and I have seen the vessels go and take the school away from the boats.

Q. Well, state whether their usual habit is to fish within or without?—A. The usual rule when there was no cutter was to fish within three miles.

Q. Now tell me if you know this from the Americans themselves, or whether you saw them day after day?—A. Some used to tell me that only for these cutters they could load up in no time. I have often and often heard them say that. In fact, in those days I rather liked the Americans.

Q. You didn't want them to break the law?—A. No. I used to like them as a people, and they used to deal with me, and they would express anything to me.

Q. They would express themselves fully to you?—A. Yes.

Q. You have heard them over and over again say that only for the cutters they would be able to load up?—A. Yes.

Q. I was asking you as to the cod-fishers, where they procure their bait; the American cod-fishing vessels?—A. I don't mind that any of those vessels caught their own bait, but they used to come inshore to buy it.

Q. You don't remember their catching bait at Port Hood?—A. No.

Q. Their practice was to buy from the boats?—A. Yes. Sometimes they used to run their chance of nets. They would get a fisherman's net and give him so much for the chance. For instance, if they came inshore they would ask how many nets there were. They would say, "How much will you take for your chance for the night?"

Q. They would pay them so much for the hire for the night?

Mr. FOSTER. That is not the statement of the witness.

Q. Who would use that net? Who would handle it?—A. The Americans would use it, and take the fish out next morning.

Q. They would pay so much to the men for it?—A. Yes.

Q. Was that usual or unusual?—A. It was usual, especially on Saturday, if it is not unfair to say it.

Q. I would like to ask you whether you think cod-fishing could be carried on without getting that bait?—A. I could not say, there might be other ports.

Q. Unless they procured fresh bait on our shores, could they carry on the fisheries profitably by bringing salt bait from home?—A. No, no; they could not do it.

Q. Do you happen to know whether that is the opinion of the skippers of the cod-fishing vessels?—A. Well, I have never got any opinion from them, but I have seen it myself.

Q. Have you paid attention to the matter as to whether during the period when the duties were imposed on mackerel the fishermen got as much for them as they did before or afterward?—A. I always considered if there was a duty imposed that they got the same; that when the duty was taken off, of course they got the same price, less the duty.

Q. Do you know the price they would take for fish?—A. I have known mackerel as high as \$23.

Q. Do you know as to the price they got for mackerel at the time the duty was imposed? At the time there was a duty on mackerel do you know what the price was? Take from 1860 to 1872 and 1873, do you know what the price was then?—A. I could not say, but I know during the Reciprocity Treaty.

Q. What was the price then?—Well, I went up myself in an American vessel and I got \$22; some got \$23.

Q. What year would that be?—A. That would be 1860, about.

Q. But I was asking you as to the price the mackerel so! for at your place?—A. What year?

Q. Take 1868 or 1869?—A. Well, about \$10 was what we gave for the mackerel out of the boats. We never bought from the Americans, you know. That is what I bought them for out of the boats myself.

Q. That is what you paid your own fishermen?—A. Yes.

Q. Was that a pretty good price?—A. Yes, a pretty fair price; it would not be the average though, because it would be for good mackerel; there are three qualities.

Q. That was fresh at your own wharf?—A. Yes.

Q. Did you ever pay more?—A. Yes; \$19.

Q. What year; this very year, 1860?—A. Yes.

Q. That was an exceptional year?—A. No doubt of it.

Q. Very exceptional?—A. I do not believe they ever were so high since.

Q. Can you give us what was the average from 1866 to 1872?—A. The mackerel have been coming down; I would not like to say more than \$10 in that period. I do not remember.

Q. What time did you speak of dealing in mackerel?—A. About 9 years ago, or 8 years ago.

Q. You haven't dealt in mackerel since?—A. No.

Q. Then are you acquainted with the prices?—A. Yes; I am.

Q. What were they on an average, if you can recollect?—A. I would not say for the average, taking all the numbers, over \$6.

Q. Since the Washington Treaty?—A. Yes.

Q. In 1868-'69 you say they were about \$10?—A. Yes; I should say so.

Q. Did they continue that average down to the treaty?—A. I should think they did. I made a low average because that one year they were so high.

Q. But that was long previously?—A. Yes.

Q. But you say that for several years previously to the Washington Treaty the average was about \$10?—A. Yes.

Q. That was fresh mackerel, bought from the boats at your place?—A. Yes.

Q. And since the treaty \$6 would be a fair average?—A. Yes.

Q. Can you tell me what the general opinion of your people is with regard to excluding the Americans from fishing? Do they think it would be better for our fishermen if the Americans were strictly excluded from three miles from the shore, generally speaking?—A. I have talked to several of them. Their opinion is that if the American people were excluded from our waters, our own people that are away in the States would come home and fish at home, and perhaps the consequence would be that a good many Americans would follow them and fish here; and the increase of people is the making of a place.

Q. My question is whether, if the Americans were excluded, our people would prefer it; that is, to have our fisheries to themselves?—A. Of course they would. That is what I say; they would.

Q. I want to know whether they attribute their making money lately to having the fisheries to themselves. You say they have made little fortunes lately. The Americans have not come in, so many of them?—A. No. I have known some of our fishermen, that are half fishermen and half farmers, pay as high as a dollar a day to a man to do their work on shore and go out themselves fishing, and get as much as would pay a man a month's wages in one day. I know they attribute their success to the fact of the Americans not taking the fish away into deep water. They used to do that; there is no doubt about it.

Q. Have you ever heard of any Canadian vessel going down into the American waters to fish?—A. I believe I did, not long ago.

Q. From whom?—A. I think I saw it in the paper.

Q. Do you recollect whether it was a real vessel or not?—A. I could not tell; but I heard people talking about it, that it was a made-up thing.

Q. How many years since you heard of that vessel?—A. I heard of it this year.

Q. Did you ever hear of that or any other before?—A. No.

By Mr. Foster:

Q. In what year did you begin business for yourself?—A. Eighteen hundred and fifty-two.

Q. What year was it that you failed?—A. Eighteen hundred and sixty, I think.

Q. What year was it that you got 300 bushels of potatoes to sell to the Americans, and had to lose them all?—A. I could not tell you.

Q. Well, what year was it that the Americans began to fall off from coming?—A. Well, it was about six years ago that they began to fall off.

Q. You have had very few since?—A. Very few, comparatively speaking. Sometimes the mackerel would strike over to Prince Edward Island, and, although we would not see the fish, they might be there.

Q. But in your place, these six years past, you have had very few?—A. Yes.

Q. Was it the falling off of the Americans that made your business

fall off?—A. Yes. My business? No, it was not. It was just that I prepared too much for them. I went in debt to prepare for them.

Q. You went too far from shore?—A. Yes; if that is what you call it.

Q. Do you say that all the people engaged in this business failed when the Americans ceased to come there?—A. Yes; they broke down. Well, they had no capital to go on.

Q. When the Americans ceased to come they all failed?—A. They all failed before.

Q. I thought you were making money hand over fist?—A. We were just between wind and water.

Q. What did you expect the result to be if you could ever exclude the Americans from your inshore fisheries? Was it that your young men who had gone to the United States would come back?—A. Yes; I think so.

Q. Are there a great many of them now fishing in American vessels?—A. A great many.

Q. They generally all settle in the States?—A. Principally.

Q. So that you actually lose population?—A. O, some of them come home in the winter.

Q. They usually come home better off?—A. I think some of them are worse off. Some of them have eventually to come home with their wives and children to live with their parents.

Q. So you think when the Americans came there they hurt you, and when they ceased coming they hurt you, and when your people go to the States it is injurious, and it is a bad business all round.

#### No. 49.

THURSDAY, *August 30.*

The Conference met.

P. FORTIN, of the city of Quebec, member of the Legislature of the Province of Quebec, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Doutre:

Question. You are a member of the Legislature of the Province of Quebec?—Answer. Yes.

Q. You have been, lately, I think, speaker of that assembly?—A. Yes; I have been speaker.

Q. You were for sometime a member of the House of Commons of Ottawa?—A. I was for seven years—from 1867 to 1873.

Q. From what fact do you derive the title which is given you of captain?—A. Because I was commander of a vessel for the protection of the fisheries for sixteen years.

Q. From what period?—A. From 1852 to 1867, inclusive.

Q. What was the mission with which you were intrusted?—A. My mission was to insure peace and order. It was to insure the observance of the fishery laws and keep peace and order on the coast and in the harbors.

Q. You were for that purpose a stipendiary magistrate?—A. Yes; I had also the powers of sheriff and recorder.

Q. It gave you authority over all that part of the province?—A. Yes, the sea-coast of the Province of Quebec.

Q. How far does that coast extend?—A. It extends on the north coast of the Gulf of St. Lawrence as far as Blanc Sablon, the limit between

the Province of Quebec and the territory of Labrador, which is under the jurisdiction of Newfoundland.

Q. And on the south coast?—A. To the Restigouche shore, the limit between the Province of Quebec and New Brunswick. It includes Magdalen Islands and the Island of Anticosti.

Q. Where does the river St. Lawrence end, according to arrangements made, and where does the gulf begin, according to arrangement?—A. Well, according to the decision made by the Commissioners in virtue of the Reciprocity Treaty, the estuary of the river St. Lawrence was limited to a line running from Point des Monts on the north shore to a little above Cape Chatte; it is about Cape Chatte on the south shore.

Q. Well, what is the extent of the coast?—A. About 1,000 miles. The extent of the coast of the Province of Quebec on which the fisheries of Canada are conducted is about 1,000 miles, including the coast of Anticosti and the Magdalen Islands.

Q. Well, have I seen how far up the river the fisheries were carried on?—A. They were carried on on the north shore as far as St. Nicholas Harbor.

Q. How far above Point des Monts is St. Nicholas Bay?—A. About 23 miles.

Q. On the south shore?—A. As far up as Mantane, about 50 miles to the westward of Cape Chatte.

Q. What are the fish—the kind of fish considered as sea fish—that are caught in the Quebec waters?—A. The food fishes are the herring, mackerel, codfish, and halibut. These are the principal fish.

Q. Well, we will begin with the cod. Is the cod an important part of the fishery?—A. Yes; I should think it is the most important fishery.

Q. What indications of its importance are there on the coast?—A. There are a great number of establishments all over the coast. I could give you the list.

Q. You might give the names of the parties.—A. I will begin at Cape Chatte and go down as far as Bay Chaleurs, and then take up the north shore. They are as follows: From the south shore of the river St. Lawrence to the head of Baie des Chaleurs: Cap de Chatte, MM. Louis Roy and Theodore LaMontagne; St. Anne des Monts, Horatio LeBoutillier, Theodore LaMontague, and L. Godereau; Moulouis, H. LeBoutillier and Messrs. Fruing & Co.; Grande Vallee, F. Dionne and Messrs. Fruing & Co.; Grand Etang, Messrs. F. & M. L'Esperance; Fox River, L. Blouin, R. Leviue, Messrs. Fruing & Co., and Charles Le Boutilier; Griffin Cove, Charles LeBoutillier and Messrs. Fruing & Co.; Cap des Rosiers, Charles LeBoutillier and William Hyman; Grande Greve, Messrs. Fruing & Co. and William Hyman; Gaspé Basin, J. & E. Collas, Charles LeBoutillier, Messrs. Fruing & Co., and William Hyman; Douglastown, Charles Veit and William Lindsay; Point St. Peter, John Fauvel, J. & E. Collas, Messrs. Jacques Alexandre & Co., and John LeGresley; Barachois, Patrick Jones; Percé, Messrs. Charles Robin & Co., Messrs. Valpy & Co., and Abraham LeBrun; Bonaventure Island, Messrs. LeBoutillier Bros.; L'Ause au Beau Fils, Messrs. Charles Robin & Co.; Cape Cove, Hou. Thomas Savage, James Baker, Messrs. Charles Robin & Co., D. Ahern, and John Baker; Grand River, Messrs. Charles Robin & Co., Thomas Carbery, L. E. Joneas, and Joseph Sirois; Little Pabas, J. C. Tetu, Messrs. Charles Robin & Co., D. Mauger, J. Duguay, and J. O'Connor; Grand Pabas, Hou. Thomas Savage; Newport, Messrs. Charles Robin & Co.; Paspebiac, Messrs. LeBoutillier Bros. and Messrs. Charles Robin & Co. North shore of river and

Gulf of St. Lawrence : Moisic, John Halliday and Messrs. J. & E. Collas ; Shell Drake, Messrs. J. & E. Collas and L. Touzel ; Thunder River, Messrs. LeBoutilier Bros. ; Dock, Messrs. Charles Robin & Co.; Magpie, Messrs. Charles Robin & Co. ; St. John River, P. Sirois, Messrs. J. & E. Collas, and C. Hamilton ; Long Point, C. Hamilton and J. Fauvel ; Esquimaux Point, Charles LeBoutilier and Mrs. Ruel ; Natashquan, Messrs. Charles Robin & Co. ; Salmon Bay, William Whately and Captain Dodge, Newburyport ; Green Island, Messrs. LeBoutilier Bros. ; Wood Island, Messrs. LeBoutilier Bros. ; Blanc Sablon, Messrs. Fruing & Co. Magdalen Islands : Amherst Island, J. B. F. Painchaud, Damien Devauy, W. O'Gilvie, and Hon. Thomas Savage & Co. ; Grindstone Island, J. B. F. Painchaud, Hon. Thomas Savage, and William Leslie & Co. ; House Harbor, Messrs. Frederick Arsenault & Co., William Johnson, and R. Delaney ; Grosse Isle, Neil McPhail. Anticosti : English Bay, Charles LeBoutilier ; Southwest Point, Captain Setter.

Q. All those establishments deal exclusively in cod ?—A. Yes; their principal business is codfish. Sometimes herring and mackerel are dealt in, but not much. The principal is codfish.

Q. Do any of those establishments resort to Newfoundland for cod ?—A. Not at all; never.

Q. Well, where is all their cod caught ?—A. On the shore and from boats.

Q. Is all the cod they deal in caught in Quebec waters ?—A. Yes.

Q. With boats ?—A. Yes, and they fish from the shore.

Q. What kind of boats ? Open boats ?—A. Fishing boats manned by two men.

Q. Do they remain overnights on the river fishing ?—A. Sometimes, when they go on the Banks. When they don't go on the Banks they never remain overnight.

Q. Name the banks and their extent which exist in these waters.—A. On the north shore I know of only two Banks of small extent. St. John or Mingan and Natashquan.

Q. St. John and Mingan are the same thing ?—A. Yes, the same Bank. Six or seven miles from the shore.

Q. Of what length is it ?—A. They lie about six or seven miles from the shore, but they merge into the shoal fisheries. They are not distinct from the shoal fisheries. They are seven or eight miles in length.

Q. What is the length of the Natashquan ?—A. It is about ten miles in length. These are all the Banks on the north side.

Q. Now, on the south side ?—A. Well, from Matane to Cape Gaspé, in what is called the river St. Lawrence, there are no banks. The fishing is all carried on within three miles, and sometimes within two miles. Then there are two Banks opposite the shore of Gaspé and Bay Chaleur. There is a Bank called Point Saint Peter's Bank, which is very small, ten miles out. It is a very small Bank, three or four miles in extent. Then there is Bank Miscou, or Orphan, a Bank lying off the coast of Miscou; also off the coast of Gaspé or Bay Chaleur, a distance of about twenty miles—fifteen or twenty miles.

Q. Now, taking into account these Banks, could you state how far from the shore, or, rather, could you state what proportion of the whole quantity of cod taken is caught within three miles ?—A. Taking into account that only our people that are settled on St. John's River and a place called Long Point visit this Mingan or St. John's Bank, also that but few fishermen from Natashquan go on the Bank, that is of our own fishermen, and taking into account that our fishermen generally go on the Bank only in two or three places, I should think that more than three-

fourths—I should say eighty per cent. or up to eighty-five per cent. of the codfish taken by Canadian fishermen are taken inside of British waters.

Q. Well, what bait is used for codfish?—A. The bait they use are caplin, launce, herring, mackerel, smelt, squid, clam, trout, and chub.

Q. Where do they generally keep it?—A. Near the shore. The caplin and launce fish are on the shore, rolling on the beach sometimes, and our fishermen catch many of those with dip-nets, without using seines. Herring was caught also near the shore with nets.

Q. Well, can the cod-fishery be carried on advantageously otherwise than with fresh bait?—A. No, no. Salt bait is used sometimes when no other can be had, but it cannot be used profitably.

Q. Is there any means of keeping bait fresh for some time?—A. Well, some of our large establishments which have ice-houses have tried to keep the bait they use in a fresh state as long as they could, but they have not succeeded well. They may from half a day to a day in warm weather, perhaps.

Q. With ice?—A. Yes; because the herring, for instance, may be fit to eat, but not for bait.

Q. Why?—A. Because the bait they use must be fresh enough to stick on the hook. If it is not very fresh it does not stick on and it will not catch the codfish, because the codfish will take the bait off the hook and leave the hook.

Q. You say it can only be kept half a day or a day?—A. It may be kept, perhaps, a day or two. It depends upon the weather.

Q. Well, would it be possible for the Americans coming there to fish for cod to bring their bait with them in a fresh state?—A. No; it is impossible.

Q. They could only bring salt bait, which is not much used?—A. That is all.

Q. Now, have you seen the Americans fish in the waters you have described?—A. Yes, a good many. I have seen a good many and have heard of more. I have not taken a list of the vessels, but I have a pretty good knowledge of the numbers.

Q. Combining your own personal knowledge with what you have heard, what number of American vessels would you say used to frequent those waters yearly, before the Reciprocity Treaty and during the treaty?—A. There might be from 200 to 350.

Q. In Canadian waters, you mean?—A. In Canadian waters.

Q. When you mention that number of vessels you don't speak of other vessels that might be on the shores of Prince Edward Island?—A. Certainly not. From what I have heard, I believe that before the Treaty of Reciprocity, and during reciprocity, most of it, our coasts were visited by a large number of vessels, averaging from 200 to 350 annually.

Q. That is, the Quebec waters?—A. Yes, only the Quebec waters.

Q. That is exclusive of Prince Edward Island?—A. Yes.

Q. You refer now to those frequenting British waters?—A. Well, the idea I have is from conversation with the American captains, and also with people who had conversation with the American captains. It was a matter of public notoriety during the Reciprocity Treaty that the number of American vessels frequenting the gulf would be from 1,000 to 1,200.

Q. Now, coming back to the Quebec waters, the establishments you have mentioned, are they of new creation, or have they been in existence for some time?—A. Many of them existed in the time of the French.

They abandoned them after the conquest of Canada. Some date from the cession of Canada, as those of Messrs. Robin & Co. The establishment of Messrs. Fruing might be seventy years on the coast. Besides these, there have been a good many merchants of Canada who have settled and afterwards abandoned, and others have come in their place. The coast has been fished for more than 200 years. It has been fished ever since the first establishment of the French in the gulf.

Q. Are some of those establishments prosperous?—A. Yes; they seem to be. They carry on a very large business.

Q. Some have made fortunes there!—A. Yes; the house of Robin seems to have amassed a large fortune. The house of Le Boutillier, represented by Charles Le Boutillier, made money, too. Collas seems to do very well, and other houses, too, although they do not all do equally well. Some houses have not done so well, but the business seems profitable in general.

Q. Is there a considerable portion of the Canadian population devoted to the fisheries?—A. Outside of the coast, do you mean?

Q. I mean along the coast.—A. Well, this coast I have spoken of is inhabited by about 30,000 people. On the north coast they do nothing but fish.

Q. There is no land for agriculture?—A. No; their avocation is all fishing. On Anticosti it is the same. They only raise a few potatoes and vegetables. At the Magdalen Islands the land is very good and fit for agriculture. The people raise a good amount of produce beside being fishermen. At Gaspé, nearly all the fishermen have their own farms and cultivate them and raise cattle. They devote about two-thirds of their time to the fisheries, or perhaps three quarters, and the rest to agriculture.

Q. What means have all those establishments you mentioned of procuring fish? Have they fishing boats of their own, or do they buy the fish?—A. They have fishing boats of their own. On the coast of Gaspé the mode is for the owner to own a place near the shore in a pretty well sheltered place, and to have large buildings, stages, flakes to dry fish on, &c., to get their own boats built by the fishermen during the winter, and then make arrangements with the fishermen to take fish for them, which the merchant buys. The merchants furnish the boat at so much a year, and they pay the fishermen so much for the draught of fish, which is 238 pounds, as the fish comes from under the knife, that is, after being split.

Q. It is weighed after being split?—A. Yes; all the entrails and part of the backbone are taken out, and the head taken off. That diminishes the weight sometimes a quarter and sometimes more.

Q. The fish is weighed fresh from the knife?—A. Yes; then it is the property of the merchant, and he goes through all the operations of curing it.

Q. Is that fish exported to the United States?—A. No, it is not.

Q. Where is it generally exported?—A. It is exported mostly to Brazil, Portugal, Spain, Italy, and the West Indies.

Q. Some, I suppose, is for home consumption?—A. Some is sent to Jersey, a few loads. But the fall fish go to Quebec. We must distinguish between the summer and the fall fish. When the people begin fishing they are engaged to the merchants to fish until the 15th of August. That is what is called the summer fishery, and the produce of that fishery goes to the merchants to pay for advances that the merchants have made to the fishermen, and debts contracted that year or years before. Well, the 15th of August comes, and the accounts are

settled, and the fisherman is allowed to use the boat of the merchant and go and fish for himself until the season is over. The product of that is sent to Quebec. The fisherman himself sends it to Quebec or sells it on the coast, if he can, for cash to buy his winter provisious. The merchants don't take that fish from them. That is the system on the coast since the beginning, I suppose. I never knew the time that it did not exist.

Q. Has it been attempted to send cod to the United States market?—A. Well, when the Reciprocity Treaty came into operation, we thought that the American market would be favorable to the Gaspé population, and as for myself, I hoped it would be. I thought we might get a better price there than in the foreign markets. I expected that the trade might become a cash trade, but our hopes have been disappointed. I know that several merchants sent pretty good cargoes to the United States, and could not sell them as well as in the foreign markets. So of late years they have not attempted the same venture. There was an American house in New York started at Bonaventure a few years after Reciprocity. Their bark came in the spring loaded with supplies and goods to trade with the people, and got some fish. They sent their cargoes to the United States mostly. I am not sure whether they sent the whole there. But after a few years they abandoned the trade.

Q. Didn't they have some particular advantage?—A. It was an American establishment.

Q. Was there not a free port there?—A. It was then a free port.

Q. In Gaspé?—A. Yes; they could enter their goods free of duty.

Q. And notwithstanding that advantage, the American merchants could not establish a successful business?—A. Well, I suppose that was the reason it was abandoned; because they did not find that they sold their fish high enough.

Q. Then if the Americans wanted to trade on the coast of Gaspé, they could get places to settle, and they would have the same advantage as our people?—A. Yes; our fishermen would engage with them just as well as with others, provided they gave as high or higher.

Q. Now, coming back to the vessels frequenting these waters, will you state what was considered by an American vessel to be a load, either of codfish or mackerel? These I suppose are about the only shore fisheries that are looked to by the Americans?—A. Yes; the Americans used to take codfish and mackerel.

Q. Herrings?—A. Yes; a great quantity at the Magdalen Islands, with seines.

Q. Is it an advantage to the Americans to be able to land on the Magdalen Islands?—A. Yes; because if they did not land they could not draw their seines. I have seen them myself.

Q. That is the most profitable way of fishing for herring?—A. Yes; you cannot fish herring except with seines. It would not do to take them with nets. You would not take enough to pay. The herring taken there is spring herring.

Q. Is herring fished with a line?—A. Never; it is always with seines or nets. Our people on the coast take them with the nets for bait; but when you want them for trade, you must use a seine, because you have to take a large quantity of them.

Q. In the codfish or mackerel business fishery, what is considered an ordinary load for any vessel?—A. Well, for an ordinary vessel?

Q. What is the general tonnage of the vessels which you have seen there—American vessels?—A. The American codfish vessels range from 60 to 100 or 110 tons, and the mackerel vessels from 60 to 90 tons.

Q. Now, what is considered an average load of codfish?—A. It would be from 350 to 600 quintals.

Q. And of mackerel?—A. A mackerel load would be from 250 to 350 barrels.

Q. Have you seen any Americans fishing cod?—A. Yes; I have certainly.

Q. Have you seen any fishing for halibut?—A. No; because they have fished only lately, since I have left the service. They have fished lately most.

Q. You have spoken of the Banks where cod is taken. If I remember what you said about bait, although that cod is taken out beyond three miles, you stated that the bait had to be taken within three miles?—A. Yes. Sometimes they get bait on the Banks with drift-nets; but at other times the bait is not to be had at all for weeks. Well, when the skipper of a Bank-fishing vessel cannot get bait, he is idle then—he does nothing. If he has a chance of taking bait on shore, even if he has to go 7 or 8 miles for it, he will do so. He can send his boat for bait without lifting his anchor, and he can continue his voyage. They use a great quantity of bait, those Bank fishers.

Q. How is cod fished by our people near the coast?—A. All with lines—principally with hand-lines. They start in the morning generally, and come back in the evening. The fish is at once thrown on the stage, and the splitters are there. The fish is split at once to prevent heating. That is the main reason of the superiority of their fish. Then it is salted, for three days at the most. Then washed and exposed to the sun on the flakes in a very well ventilated place, generally on a hill, if it is possible to have it. Then there are people to attend to the drying there. It has to be attended to constantly. If the weather is foggy, or the rain comes, or it is thick, it must be turned with the skin up, and made into bundles. When the sun shines again, and there is wind, it must be exposed on the flakes with the flesh up. It is a very difficult thing to make good fish.

Q. Well, that kind of codfishing could not be advantageously prosecuted unless it could be coupled with the advantage of going inshore and drying?—A. I mean to say that the bankers on Miscou Bank or St. John Banks, if they had not a right to go ashore for bait, must be idle at times. I know I have heard repeatedly from our fishermen, and also from the bankers that it happens sometimes that bait is not to be found on the Banks. The bait they use is herring, because on the Banks they cannot take launce or caplin. They take herring or mackerel, but the bait they principally use is herring. Sometimes there is none on the banks for several weeks. Then if they have no chance to get them from their own sources, they must interrupt their labors.

Q. Now, we have spoken of the quantity of cod taken within and outside of three miles. How is it with mackerel? Where are these generally taken?—A. With regard to mackerel, I may state that on the shores of the island of Anticosti it is within three miles. From Mount Joly to St. Nicholas, on the north shore, it is within three miles. On the south shore from Matanue to Gaspé it is within three miles. From Gaspé to Bay Chaleur it is taken sometimes outside of three miles, and at other times within, because the Bank fisheries merge in the shore fisheries.

Q. Then if you were called upon to give the proportion of the whole quantity of mackerel taken inside and outside, what would you, say, put down as taken within three miles, and what proportion as taken

outside!—A. I should say that at least 75 per cent. are taken inside of three miles, positively.

Q. I think I have asked you about what constitutes a trip for a vessel there in cod or in mackerel!—A. Yes.

Q. And you have answered!—A. Yes.

Q. I suppose sometimes some of these vessels have begun outside of the Quebec waters and finished there!—A. Yes.

Q. And sometimes they begin in the Quebec waters and go to Prince Edward Island, or somewhere else, to complete their trip!—A. I have said that—yes.

Q. What is the bait used for halibut!—A. Herring and codfish. Codfish is as good as any. It is firmer than herring, and holds well on the hook. They put a large bait on, so that the small codfish cannot take the bait, because the object of the halibut fishers is to take nothing but halibut. When they take codfish they have to throw it overboard.

Q. And as codfish, as well as herring, are taken inshore, they have to come inshore!—A. Yes; they come in close to the shore for halibut.

Q. Is herring a fish that is found in large quantities in our waters!—A. Yes; in terrible quantities.

Q. Have you seen some of the hauls!—A. I have seen a good many hauls, some small ones and some large ones. I have seen 600 barrels of Labrador herring hauled in one haul, and 3,000 Magdalen Island herring in one haul, with seines. They run from 3,000 to 2,000 and 1,000, but often less.

Q. Does the herring require any operation for market!—O, yes; it must be split, salted, and pickled.

Q. Is that the case around Magdalen Islands!—A. Well, around Magdalen Islands it is sometimes taken in bulk. They are salted as they come. As they take them they are thrown into the hold of the vessel, and the salt thrown in with them, until the vessel is full. That is what we call herring in bulk. Then, after arriving in the States, they are split and pickled for the West India market or smoked.

Q. But is it sometimes cured on the spot? This cannot be advantageously done, except on land, I suppose!—A. Well, they cure on board their vessels sometimes. Sometimes they come on shore to repair their barrels, as there is not always room enough on board; and they gib their fish on shore sometimes—that is, open and clean them.

Q. What has been the effect of the Americans coming on the coast? Do they always carry on their operation with due respect for the laws? When they have come in large numbers have you heard of depredations that they have committed!—A. Some years they have been pretty free there on the coast. I have heard of houses being broken into and people insulted. I have cited many such cases in my reports. I did not see any myself, because, of course, when I was present they were quiet, but our people have suffered very much from them at different times. I know that at Seven Islands the Hudson Bay post was nearly burnt by them, with the furs and provisions; I have this information from their agent at the place. Then again, their vessels used to come to anchor along the shore, close to the shore; sometimes among the moorings, and sometimes inside of the moorings. The mooring is the place where our fishermen tie their nets to get bait. The net is tied to a mooring at one end and the other end is allowed to drift all night. In the morning about four or five o'clock the fisherman goes to his net. If he has bait he can get codfish. If not, he cannot get any codfish, however plentiful it may be. Now, sometimes 30 or 40 of those vessels have come in and anchored inside of the moorings. Sometimes they have

anchored in such a way as to prevent them from setting their nets. Sometimes they have come inside, and the nets have been set outside of them, when a gale has sprung up, and the Americans getting under way have torn the nets up as they went out. I do not say willfully, but that was the consequence.

Q. Well, taking the condition of the people inhabiting the shores you have described, has the Treaty of Reciprocity or the Treaty of Washington been any advantage to these?—A. No advantage at all. On the contrary, a disadvantage, because the American free market is no use to our merchants or fishermen; and the American inshore fisheries are of no use to us. I have never heard of a fisherman from the coast I have described going to the States, and I know they will never go there to fish. And the competition of the American fishermen on the cod-fishing grounds, as well as near the coast where the mackerel is taken, is very disastrous, because it stands to reason, whenever people are taking mackerel, if a fleet of these vessels comes around, they will attract the mackerel from them, and lessen the chance of our people taking fish.

Q. Are you aware whether the American vessels have made more than one trip in a season in the summer?—A. Often they used to make two and sometimes three trips.

Q. Can they do that without transshipping somewhere? Have they time to go home three times and come back?—A. I don't think they could go home three times. I have heard of some going twice. During the Reciprocity Treaty their custom was to tranship at Prince Edward Island and the Gut of Causo. That was the custom, because there are several schooners belonging to one firm. One schooner would take all the fish, and go home and sell them, leaving the others to fish.

By Mr. Dana:

Q. You have given us an account of your occupations at many times. How has it been this summer? What have your occupations been?—A. I have not been occupied with the fisheries.

Q. Why not?—A. Because I am not in the service any more. I am neither in the service, nor am I a merchant or a fisherman.

Q. I asked you what were your occupations this summer?—A. It has been going through an election.

Q. Well, that is in your capacity as a politician, but not as a doctor, sea captain, or sheriff. Did it take you all summer to get through your election?—A. Yes; it took me all summer.

Q. Did you travel around?—A. I left in May and went back in July.

Q. Your political business, then, took you from May to July?—A. Yes.

Q. What part of the coast did you visit in a political capacity?—A. From Cape Chatte to Newport and the Magdalen Islands. I visited the county of Gaspé, of which I am giving you the limits.

Q. That is from Cape Chatte around by Gaspé?—A. As far as Newport.

Q. Which side of the Bay Chaleur is that?—A. It is north side of the Bay Chaleur.

Q. That is not a very extensive round. What is the whole length of the sea-coast?—A. Two hundred and forty miles.

Q. Well, at the same time you were doing political duty, did you unite with that any inquiries into this business?—A. No; not until the election was over. During the election I only listened to what the people

would tell me as we were speaking. I never inquired particularly about the fisheries.

Q. Did you take any memorandum of what they said?—A. Not then.

Q. No evidence?—A. I took evidence afterwards.

Q. I mean at that time?—A. No.

Q. Now your political campaign ended in July?—A. Yes.

Q. And when did you enter upon other duties?—A. On the 28th July.

Q. What were those duties?—A. I was asked by the Federal Government to go around the coast of the Province of Quebec and take evidence and marshal witnesses to be examined before the Commission. This occupied about three weeks.

Q. What places did you visit in that service?—A. From Cape Chatte—the principal places from Cape Chatte to Paspebiac.

Q. Where is that?—A. On the Bay Chaleurs. Then I visited from the Seven Islands to Esquimaux Point. Then I went to places on Anticosti and on the Magdalen Island.

Q. Well, did you take evidence yourself?—A. I did.

Q. How many?—A. Ninety-seven affidavits. About that number.

Q. Of persons from all these regions?—A. Yes, as they came.

Q. Well, how did you find the people? How did you discover the witnesses?—A. I sometimes went for the person that I thought best acquainted with the fisheries; sometimes fish merchants.

Q. Whose evidence would do most good?—A. Well, I do not think I rejected any man.

Q. Nobody that came to you and asked to be permitted to make an affidavit was rejected?—A. No.

Q. Did any such cases occur?—A. No. Some people were asked to give their evidence, and said they had not time or that they would not do it.

Q. But such as consented you took?—A. All that consented I used to ask them myself or send one of the agents that were with me.

Q. Who were with you?—A. There was one Doctor Wakeham who lived in Gaspé 12 years, and there was young Mr. Galt.

Q. Then when you had completed your service that would bring us to the middle of August; what then?—A. I came here.

Q. So have you been here ever since attending to the business of this Commission?—A. Well, I have no business but to prepare myself to give my testimony. I have no official business with the government.

Q. Has it taken you all this time to prepare to give your testimony?—A. No, but I have nothing to do here.

Q. Well, to look after the witnesses?—A. No, not here. The moment I came here I gave the evidence to one of the agents and remained here because I thought I would be asked to come here and give my testimony. I have nothing to do with the government.

Q. But you have seen the witnesses that have come on here?—A. Yes.

Q. And talked with them?—A. O, yes; we lived in the same place, and I have seen them pretty often.

Q. Well, you have a pretty strong opinion that this Washington Treaty is a bad thing?—A. I had an opinion from the beginning.

Q. Before it was made, perhaps?—A. Yes.

Q. You have not kept your opinion to yourself, have you? In your various capacities of doctor of medicine, sheriff, and politician, you must have let it out?—A. I did certainly let out that the Treaty of Wash-

ington was injurious to the fishermen of the Province of Quebec, because they gave a great deal and received nothing in exchange.

Q. You still had a hope, I suppose, that after giving a good deal away and receiving nothing, it would be made up by a large award, hadn't you?—A. Well, I hope we will receive what is due to us.

Q. And that it will turn out to be a large sum?—A. Yes.

Q. Apart from the breaking of nets, insulting of women, destroying of property, which are moral delinquencies of the Americans, what are the chief objections to their coming to your waters to fish?—A. Well, they lessen the chances of our people taking fish within the three miles.

Q. Why don't your people build vessels, as the Americans do, and go down and follow up the mackerel?—A. Well, I never heard of a fisherman that wanted to go with a schooner to fish, if he had fish at his own door. He would rather fish with his boat than take a vessel and go five hundred or a thousand miles from his place. I have heard the Americans tell me that if they had fish to occupy their fishermen on their coasts, they would not come here.

Q. Have not the Americans always had fishing-vessels and gone to the Grand Banks; perhaps you have read Burke's speech on the Wealth of the Sea?—A. Yes, I am aware of that, but the fisheries of the gulf and coast have always tempted the Americans, because they are inshore fisheries.

Q. They always go to the Grand Banks and the Georges?—A. Yes.

Q. Now you say the reason the people gave up vessel-fishing for boats is that they have fish at their own doors. That cannot be true of all of them. Are there not a good many of your people, inhabitants of the Dominion, that have gone into American vessels?—A. From Nova Scotia and New Brunswick, but very few from the Province of Quebec. I am speaking particularly of the Province of Quebec, because I am not acquainted with the other provinces except in a general way.

Q. You know in a general way, don't you, that without restricting ourselves to the lines of the provinces a very large number are engaged in deep-sea fishing or fishing in vessels?—A. Yes.

Q. And they are willing to serve under a foreign flag?—A. Sometimes they do. I know that a good many people from the Gut of Canso are sometimes engaged on board American vessels.

Q. A good many from New Brunswick and a good many from Nova Scotia; is it not so? A. Well, yes; but from the Province of Quebec I know of but few that have gone on board of American vessels.

Q. You think those that engage in boat-fishing are those that have the fish at their own doors?—A. Yes; I do not believe that people that have fish at their own door, that they can take with a boat, would equip vessels in a costly manner and go one hundred or one thousand miles to get fish, when they can get fish at their own doors with boats, or with vessels that are less costly. The fish so caught can be split and cured without the fish being salt-burut, and consequently they make a superior kind of fish. I have my opinion on these facts.

Q. Then all these reasons, you think, account for the fact that the people of Quebec do not build vessels?—A. Yes; I am speaking of the coast from which the Americans are excluded, but at Magdalen Islands the people build schooners and go to the north shore.

Q. Why do they go away?—A. It is a custom they have had for some number of years. They find they can take fish on our north shore in a shorter time than on their own.

Q. Still it does tempt your people?—A. It tempts them on the Magdalen Islands.

Q. There is fish enough on the north shore to tempt those people from the Magdalen Islands, their vessels not being adapted to the Banks?—A. If they fished around the Magdalen Islands they would have to fish like the bankers. They go to the north shore in order to take a voyage in less time than on their own shore.

Q. These expeditions of yours, in the way of politics, and in getting testimony for the Commission, have given you a good opportunity to see what vessels there are off the coast?—A. Yes.

Q. This year?—A. Yes.

Q. Well, the Americans have been very scarce?—A. Yes. I have seen a few myself in the Bay Chaleur. One came to anchor alongside of us in the Bay Chaleur, having hauled in 30 barrels of mackerel close to the bank at Paspebiac. And we heard of another taking 80 barrels at Nouvelle, ten miles eastward of Paspebiac; that was with the seines; they hauled them on the beach.

Q. Did you see many more?—A. Not many more. We saw a few outside. But it was rather early for them to come. It was then about the 10th of August, I think. Sometimes they come earlier, and sometimes later.

Q. But you said, when I asked you, that they were very scarce?—A. That is true.

Q. I will ask you this question while I am about it. Within what period of time can the caplin be taken?—A. It varies very much. I have myself seen the caplin rolling for one month on the coast of Gaspé. You could take them by thousands of barrels.

Q. Do they come at the same time all along the coast, or can they be followed up from one place to another?—A. They don't come in all at the same time. They come later on the north shore than on the south shore, I think.

Q. So that you can follow them up?—A. You mean caplin?

Q. Do they appear simultaneously on the whole coast, or do they come at one point and then at another?—A. On the south shore they appear pretty much about the same time. They may vary a few days; but on the north shore they are a little later, as far as I can remember.

Q. They do not visit every part alike?—A. Sometimes they are abundant at one place and not so abundant at another; and where they are plentiful one year they may not be seen at all the next. Our fishermen have a way of sending a boat to get caplin and take it to the fishing-boats.

Q. If I understand you correctly, I understood you to say that your people who caught cod in boats often cleaned them in the boats?—A. No; they do not clean them in the boats.

Q. Neither mackerel nor cod?—A. No; they clean them on shore always.

Q. It was stated by one of the counsel here, putting a question to you, that the Americans had the right to fish anywhere upon the Magdalen Islands. You say you have seen them also land there for the purpose of drawing their nets?—A. Yes, I have seen them myself.

Q. Did you ever prohibit them?—A. No.

Q. Did you ever know an instance in which they were prohibited?—A. No. At Allright Island, the entry island, the Americans have settled there. They have their nets, barrels, salt, boats, and everything. They set their nets outside, and take their fish on shore and cure them there.

Q. That is notorious; it is not a secret!—A. There is no secret about it; I was told by the man who boards them. They are not prohibited, but the people complain a good deal. They do not like it, but they cannot help themselves.

Q. In your capacity as commissioner of the peace, to preserve the peace!—A. I was stipendiary magistrate.

Q. You never thought it expedient or proper or within your power to prevent them from doing so!—A. No. When I was stipendiary magistrate and commander of the vessel, the only thing I saw was the Americans seining herring in Pleasant Bay and hauling the seine from the shore. But there was no complaint, that I knew of, and I was not instructed to prevent them from doing that. I was always told, on the contrary, to behave with the greatest courtesy to the Americans.

Q. You say that your people don't send cod to the United States!—A. I say that they tried it.

Q. Under the Reciprocity Treaty!—A. Yes; they tried it.

Q. And was the experiment tried by persons competent to try it? Was it attempted by competent merchants, men with capital!—A. Yes; the best fish-merchants on the coast of Gaspé and the Gulf of St. Lawrence, Messrs. Le Boutilier Brothers, who have the second establishment on our coast; also, Robin & Co., the largest in the gulf. They told me themselves that they had a good assorted cargo and sent it to the United States, but it didn't pay.

Q. An assorted cargo!—A. Yes; they sent green codfish and large and small dried fish, also some mackerel and herring.

Q. They had to cease the venture because it didn't pay!—A. Yes; they told me that.

Q. Did they prepare the fish specially for that market, do you know; or what kind of dried fish did they send!—A. The best hard dried fish.

Q. They did not take in the States, I suppose!—A. No.

Q. Was it not also found that the States were well supplied with all the fish they wanted!—A. I suppose that might be the reason. The market for that kind of fish, the hard dried, is not good in the States, because their fish was prepared especially for warm markets. It will keep, while the American fish will not keep.

Q. They found they could do better with that kind of fish in the foreign markets than in the United States!—A. Yes; if we only half dried our fish we could, no doubt, sell it in the American market, but by continuing the operation for about a fortnight to three weeks more, we get \$2 or \$3 more per quintal for the fish.

Q. It pays better to send it abroad!—A. Yes.

Q. And you have a very good opportunity of preparing it for the foreign market!—A. Yes.

Q. You state that the Americans opened and cleaned their fish often on shore!—A. No; I did not say so for the coast of Gaspé, but for the Magdalen Islands.

Q. You have made a statement here which, while it does not come within the jurisdiction of the Commission, is a painful one, respecting the conduct of American crews on shore!—A. Yes.

Q. It reminds us of what we have been reading in the newspapers about the Cossacks and Turks!—A. Yes.

Q. Would you like to leave the impression that the conduct of the Americans was of that description!—A. I have stated in my reports what I knew to be facts obtained from reliable people; but I stated also that such was not the general conduct of Americans.

Q. Not the universal conduct!—A. That it was not the general con-

duct of American crews, and in general American captains were decent and respectable men. That is what I stated in my reports.

Q. That such was not the general conduct of American crews?—A. Not the general conduct; but often when the crews of perhaps ten vessels come ashore, they make great depredations, and our people are very much afraid of them. A man told me, not long ago, that he and his brother-in-law, who was also his neighbor, had to guard their houses for about seven days, because the Americans happened to be seven days in that cove, and they feared the men would attempt to break in their houses. They were afraid for the women and children.

Q. When did that occur?—A. A good many years ago—ten or twelve years.

Q. When were you told it?—A. This summer.

Q. Where?—A. At Great Valley, on the River Saint Lawrence.

Q. Who told you so?—A. The man himself who had to guard his house.

Q. What is his name?—A. I forget his name.

Q. Did you make any record of it?—A. Certainly.

Q. When did you say it happened?—A. He told me the year it happened; it must have been twelve or fifteen years ago.

Q. Had you heard of that event before?—A. Not of that particular one.

Q. For what purpose did you make a record of it? The time within which proceedings could be taken had, under the statute of limitations, expired, except for murder or certain matters against the Crown?—A. I thought it was very useful to prove that, when American fishermen come and take fish near our shores, our people are subjected to insults and depredations by Americans. I thought it useful to show that to the Commission. It was not to show that it was the usual practice of Americans, but to show how exposed we are, because our population is scattered along the coast, and that five or six crews of vessels gathering in one cove will go ashore and frighten the whole people. Sometimes the crews are sober and sometimes they are in liquor.

Q. Now, that would apply to all vessels that come and fish, whether American or British?—A. We see but few British vessels there.

Q. Would not that apply to that class of persons engaged fishing in large vessels; it is not peculiarly American?—A. No.

Q. Therefore it is an objection to all fishing conducted in large vessels?—A. No.

Q. Why not?—A. It might be the same with some other crews, but I don't know.

Q. You have never tried?—A. No; and we would not like to try.

Q. You thought it valuable that this fact should be preserved?—A. Yes. There are several other similar facts also.

Q. Have you preserved them?—A. They are in the affidavits.

Q. Respecting these insults?—A. Yes, in several places.

Q. Would you give me the names of any other persons?—A. I could not give you the names now; if I look at the affidavits I can do so.

Q. Do you know whether the affidavits in which these matters occur have been read?—A. I do not know.

Q. These affidavits, I believe, were sworn before you?—A. Yes.

Q. Have you any list of the 96 affidavits taken by you?—A. No.

Q. Have you not handed in a list?—A. I handed in to the government the affidavits themselves.

Q. And there was not a list with the affidavits?—A. A gentleman

who accompanied me handed in the affidavits and list, if a list was given.

Q. Did you keep any list?—A. No.

Q. As far as you know, did the other gentlemen keep a list?—A. He kept a journal and entered all the names.

Q. Who did?—A. Dr. Wakeman. He is now at Gaspé, and he took his journal with him. He was going to give evidence before the Commission, but could not wait.

Q. Do you know whether the affidavit of this one man, whose name you don't remember, contained anything more than the statement concerning the outrage?—A. It contains different matters relative to the fisheries.

Q. How many more cases of outrage did you examine into?—A. We did not examine witnesses particularly as to that, but what they knew about the fisheries in regard to the Treaty of Washington; and when they made affidavits on oath, they made these statements regarding American fishermen committing depredations; we never asked them particularly.

Q. How many more of these cases are there?—A. I could not tell the number; there are several.

Q. How many in the 96 affidavits which you took?—A. I dare say there might be at least ten who testified to depredations committed on the coast.

Q. You put what they stated on the subject of depredations, even though committed twelve or thirteen years ago, into the affidavits?—A. Yes.

Q. Did you make an inquiry as a magistrate, stipendiary, or otherwise into the truth of those statements?—A. The people who gave their affidavits under oath as to what they knew of the fisheries in regard to the Treaty of Washington came voluntarily. I said to them, "Do you know anything about depredations committed by Americans?" And they said in such a year such a thing happened, either to me or my neighbors, or in some other cove.

Q. Did you inquire as to how far these statements were true?—A. Yes, when we could do so; but it was difficult because of the shortness of the time. We did not want to prosecute the offenders; we could not do so.

Q. You could not prosecute them because the events happened too long ago?—A. One-half of the time we did not know who committed depredations.

Q. Did the people not know the names of the vessels to which the crews belonged?—A. Sometimes they did.

Q. Did you obtain the names of the vessels?—A. Not from those people this summer.

Q. But you did obtain the names of persons on whom, it is said, depredations have been committed?—A. Yes.

Q. Have you made reports on the depredations to the department of police?—A. Certainly not.

Q. You thought it quite sufficient to allow them to go in the scale at this Commission?—A. I wanted to know whether our fishermen, living on the coast, were interfered with or injured in their fishing by American fishermen, who are allowed by the treaty to participate in the same fishery; and I found it was amply proved.

Q. Did it never occur to you that this matter had nothing to do with the subject before the Commission?—A. It did not; I thought it had something to do with the question.

Q. Do you think so now?—A. I think so yet, and shall do so until they show me I am wrong.

Q. Would it not take a good deal to satisfy you that it had not something to do with the subject before the Commission?—A. I would require some good reasons.

Q. If it produced any effect, would it not be that of irritating the people and causing them to be prejudiced against the Americans?—A. We never did anything to prejudice the minds of the people, and we have suffered in silence for many years.

Q. In that same way?—A. Yes. We have suffered from the depredations of Americans, and have suffered in silence. The people might have made complaints to the government; many complaints were made to me, for I was then commander of the government vessel.

Q. Did you try to arrest the offenders?—A. It was difficult to run after vessels outside.

Q. Did you ever catch any vessel or man that had committed depredations?—A. I did not.

Q. Did you ever examine into any case, except to take depositions for this hearing on this question of the value of fisheries?—A. I examined officially into some cases, but we could not find the perpetrators; they had gone. I believe in some cases I knew the names of the vessels.

Q. Did you follow up those cases in which you knew the names of vessels?—A. I sometimes took the depositions of the people in expectation of again finding the vessels in British waters, but I did not find them.

Q. What have you done with those depositions?—A. I suppose they are now lost.

Q. Have you looked after them?—A. No.

Q. Why did you not get them and utilize them in this inquiry?—A. We did not think of prosecuting the offenders except at the time.

Q. Did it ever occur to you that you might look up these affidavits and make use of them before the Commission?—A. Never.

Q. Why would they not be as good to prove outrages as the affidavits taken during your recent trip?—A. They might prove them as well, but I never thought of them and never looked for them.

Q. You say American vessels come in to your shores, that your people lay out their nets at night, and that the Americans have torn up and injured those moored nets?—A. Yes.

Q. Have you ever made inquiry into any of these cases of injury and insult?—A. Certainly.

Q. Have you ever arrested any party?—A. Sometimes; yes. You must remember I had 1,000 miles of coast to protect, and many times I came to places where outrages had been committed after they had been committed. Sometimes the people knew the names of the vessels. Sometimes they lodged a complaint, and sometimes they did not think it worth while. When they made a deposition I took the name of the vessel, with the expectation of perhaps finding the vessel a second time during the season in British waters. As to depredations, I know myself as to the fact, because when I have entered coves the people have come out, boarded my vessel, and told me that one, two, or three weeks before American vessels had come to anchor, moored inside, and, when afterwards getting under way, they would sometimes tear the nets and sometimes carry the nets away altogether.

Q. Did the people whose affidavits you obtained complain very much of injury done to their nets by Americans during the last twelve or fourteen years?—A. They did not give that as a complaint. It is only

to show that during the Reciprocity Treaty not only were their fish taken by foreigners, but they were subjected to insults and depredations.

Q. Among them you include injury done to nets?—A. I mean personal insults, breaking into houses and insults to women.

Q. Among the injuries you include injuries to nets?—A. Yes.

Q. I understood you to say that you do not suppose the injury done to the nets was intentionally done?—A. I do not believe it was in most cases; but in several cases it was intentional. Perhaps it was more done for a lark than anything else. I took an affidavit in which a man said an American vessel getting under way took his net, with his anchor. The fisherman, the owner of the net caught by the anchor, was in his boat as the net was fastened to the stern of the boat because he was drifting. The American got under way and took away the net with the anchor. It was blowing a good breeze, the vessel was under sail, and the boat was dragged stern foremost six or eight miles, and, of course, the boat was in danger of being capsized and the man of losing his life, but the people on board of the vessel were laughing all the time.

Q. Did it happen at night?—A. I don't think so.

Q. Why don't you think it was at night?—A. Because the man told me that under oath.

Q. Did he tell you it was not at night?—A. I don't remember.

Q. Do you think it was not done at night?—A. I am not sure; I don't believe it was.

Q. Why do you not believe so?—A. I don't remember.

Q. Then when you don't remember, you always assume the worst against the Americans, do you?—A. The man gave his affidavit in that way.

Q. Where is the affidavit?—A. In the hands of the government.

Q. What is the man's name?—A. I don't remember. You will find the man's name if you look at the affidavit; he is from Great Valley.

Q. You don't know whether he deposed that it occurred during the day or at night?—A. I don't remember.

Q. But you assume it was by day?—A. They don't drift on dark nights. I assume it was daylight.

Q. You say there was a strong gale of wind blowing?—A. A very good breeze blowing—a strong breeze.

Q. You made up your mind that what was done was all intentional?—A. I never made up my mind that they hooked the net intentionally. I am only repeating what the deponent said under oath in his affidavit.

Q. Your opinion is that if he did not hook the net intentionally yet he drifted intentionally?—A. Yes; that is what the people said.

Q. Have you got any more cases of insults or injuries; can you give us any names?—A. There are some others in the affidavits. I can't remember their names.

Q. Do you remember the places from which there are affidavits regarding outrages?—A. There is one from a man from Mont Louis.

Q. Were injuries done to that man's vessel?—A. He explained in his affidavit the injuries he suffered.

Q. Were his nets injured?—A. No.

Q. How many cases are mentioned in the affidavits you took of injury having been done by American vessels to the nets of your people?—A. I don't remember; I believe in ten affidavits they speak of depredations, injuries done on shore and to nets.

Q. How many relate to injuries done to nets?—A. I don't remember. These people were speaking of what was done on a certain coast; dep-

redations might have been committed at another place, and the people at the former place would not know of them.

Q. Injuries to nets in other places?—A. Yes.

Q. Did you ever hear of any injury being done to a fisherman, a British subject, by another British subject?—A. I have heard that some of the crews of vessels from Canso had landed on the shore and had insulted and frightened the people.

Q. Did you take affidavits in regard to those cases?—A. I took depositions when those cases happened, when I was stipendiary magistrate.

Q. This year you were getting up testimony with two gentlemen and you heard of those cases; did you make any memoranda or take any evidence as to those outrages?—A. Not one of the deponents that I saw ever offered to make a deposition against a British vessel or subject.

Q. But you heard there were such cases?—A. I heard there were when I was commander of the government vessel; but I suppose the cases I have heard of were not known of by the persons who made the depositions.

Q. You were there this summer; were you only after cases of injury done by Americans?—A. We were not after the subject of injuries in particular.

By Mr. Foster:

Q. Did you keep a list of American vessels you saw during your late trip this summer?—A. No.

Q. Have you enumerated all you saw this summer?—A. No.

Q. I wish you would state to the Commission all the American vessels you saw, and how many fish they were catching.—A. I did not see many.

Q. I want to know how many American vessels you saw during the trip?—A. I saw but very few American vessels.

Q. Begin where you saw one vessel, and give the Commission, in detail, an account of the American vessels which were enjoying the privilege of fishing in and about British waters, and which you saw during your three week's trip.—A. We saw them in Bay Chaleurs.

Q. You have mentioned those already. Were those all you saw?—A. Yes, on the coast of Gaspé.

Q. Did you not see any in the places where you took affidavits?—A. No.

Q. Were there none at the Magdalen Islands?—A. Yes, there were several.

Q. What were they doing?—A. Fishing for mackerel.

Q. How many do you say were at Magdalen Islands?—A. I might have seen about 25 mackereling and sailing about.

Q. Did you see any at Banks Bradley and Orphan?—A. We did not pass that way. We had not much chance to see vessels, because in the daytime we were anchored near the shore, and at night we went from one place to another, and there was a great deal of fog during the trip. We were only three days at the Magdalen Islands, and during a day and a half there was fog; but as we went into Pleasant Bay we saw 25 outside.

Q. Do you know how many vessels the fleet numbered there?—A. We heard there were 70.

Q. Where did you hear that?—A. At the Magdalen Islands.

Q. Did you not hear about the number of vessels at other points?—A. We did not hear.

Q. Is it not the fact that there were not any except those you have referred to?—A. We were not taking the names of vessels.

Q. Have you reason to suppose there were any American vessels anywhere in the vicinity of the places you went to, except such as you have already mentioned?—A. At the Magdalen Islands I saw only one side of the islands, and I was told there were a good many on the other side.

Q. Was the reason you gave to Mr. Dana for there being so few American vessels, that it was not late enough in the season?—A. Yes; on the coast of Gaspé.

Q. Did you go through the Strait of Canso?—A. No; we went from Gaspé to the Magdalen Islands, and remained there three days.

Q. Did you not come down into this province?—A. To Pictou.

Q. At what time do American vessels usually arrive at Gaspé?—A. In August.

Q. At what time in August?—A. Sometimes at the beginning, sometimes in the middle; sometimes in July. It depends on the quantity of fish they find on the way.

Q. Don't you know that the usual time for the arrival of American fishing-vessels at the grounds where they intend to fish on these coasts is about the 4th of July?—A. It might be at the Magdalen Islands and Prince Edward Island, but they come late to Gaspé.

Q. How late?—A. About the middle of August and the end of August, and sometimes the beginning of August. When commanding the government vessel I never saw a fleet there till the beginning or end of August; sometimes I saw a few vessels there in the beginning.

Q. Have you not kept yourself familiar with the Gaspé coast, so as to know that no considerable number of American vessels have fished for mackerel there?—A. There have not been many for some years.

By Mr. Doutre:

Q. As to the opinions that you expressed about the Washington Treaty, were they acquired opinions, or did you express similar opinions formerly, at other times?—A. I expressed opinions unfavorable to the Treaty of Washington, because I knew the bad effect of the Reciprocity Treaty.

Q. What occasion had you to express such opinions?—A. Because under the Reciprocity Treaty we gave up the fisheries of the Gulf of St. Lawrence, our fishermen getting nothing in return except the competition of American fishermen in their own waters.

Q. Had you any public occasion to express such opinions?—A. I expressed them in Parliament.

Q. In regard to the voyage made by you on the coast of Gaspé, what remuneration have you received?—A. None at all.

Q. What remuneration do you expect to receive?—A. None.

Q. Have you received even your traveling expenses?—A. No.

Q. Have you done this from public spirit?—A. Yes.

Q. I believe you were not round Prince Edward Island and Cape Breton and do not know what number of vessels were fishing there?—A. I do.

By Sir Alexander Galt:

Q. You have spoken of caplin coming into the shore at certain seasons; what do they come in for?—A. To spawn. They come in to spawn in immense numbers. You see the spawn in great quantity on the sand and beach, as you see lantz. Caplin continued on the coast of Gaspé for more than a month during each of two years.

By Mr. Foster:

Q. Do you regard yourself as particularly well informed as a natural-

ist!—A. I was a naturalist by occasion, not by profession. I have described some varieties of the fish and birds of the gulf.

No. 50.

JAMES HICKSON, government fishing overseer for the county of Gloucester, residing at Bathurst, Gloucester, N. B., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. As fishery overseer your jurisdiction extends from the county line at Belledune River down to Tracadie, I believe!—Answer. Yes.

Q. Have you resided in Bathurst all your life!—A. I was born on the coast, twenty miles below Bathurst, where I lived during the summer months until twenty-five years ago. I have resided in Bathurst since.

Q. During all your life you have had an acquaintance with the fishery, have you not!—A. I know the coast-fishery pretty well.

Q. Is there a large fishing business prosecuted on the south shore of Chaleurs Bay!—A. There is a very large business in cod-fishing, and has been for a number of years; and the mackerel fishing and salmon fishing are increasing yearly.

Q. Are there Banks along the south shore of Bay Chaleurs!—A. There are.

Q. About how far are the Banks from land!—A. The cod-banks are from one mile to two miles and a half from the shore along the coast.

Q. What is the average depth of water on the Banks!—A. It averages about seven fathoms.

Q. Between the shores and these Banks there is much deeper water!—A. Yes.

Q. And beyond the Banks the water is still deeper!—A. Yes.

Q. Is the water abruptly deep on each side of the Banks!—A. Shoaling off as it would on any sand or gravel bank.

Q. What fish feed on those Banks!—A. Codfish, chiefly.

Q. Are the cod chiefly taken on those Banks in Chaleurs Bay!—A. Yes.

Q. Are you aware why they resort to those Banks!—A. They resort there for food.

Q. There is more food to be taken on those Banks!—A. There is more food on the Banks than at other places.

Q. Do the Banks extend toward Restigouche!—A. I don't know that they extend above the mouth of Bathurst Basin. I am acquainted with several of the Banks, and have fished at several between that point and Caraquette.

Q. How is the cod-fishery prosecuted in that bay!—A. It is hand-fishing with hook and line by the inhabitants.

Q. It is boat fishing!—A. Yes.

Q. About how many boats are employed!—A. I took an account for a number of seasons, and it appears in the fisheries report. I rendered that account to the department as a correct account of the number of boats on the south side of the bay.

Q. The number is entered at 1,128 boats!—A. That will be correct.

Q. How many men are employed!—A. The number is also given in the report. Some of the boats have two and some three men each.

Q. What do they do with the cod they catch!—A. Some few are cured by the fishermen themselves. Generally the fish are brought to

shore and sold green to the merchants, who cure them and ship them to Europe.

Q. Does any part of the cured cod go to the United States?—A. I have had no report of any being shipped to the United States, and I am not aware of any.

Q. Is a large quantity of mackerel taken on your shores?—A. There is a large quantity taken some years, and other years the quantity is not so large.

Q. In those years when a less quantity of mackerel is taken, to what do you attribute it?—A. To stormy weather and want of bait.

Q. Does the stormy weather affect the chance of getting bait?—A. Yes.

Q. What bait do you generally use for mackerel?—A. Our fishermen use spring herring, lantz, and pogies when they can get them.

Q. Does caplin come in to the shore?—A. In large quantities.

Q. Do you mean when you say that when there is a want of bait those years and you do not catch as many fish, it is due to the weather being too stormy?—A. It is because it is too stormy to get the bait.

Q. What time does the bait season commence with you?—A. The spring herring strike in as soon as the ice is out—on 1st May. The caplin comes about 1st June, smelt about 15th June, and lantz in July and August.

Q. How do your fishermen take the bait?—A. They take smelt in the mouths of rivers with scoop-nets, and caplin with scoop-nets along the shore.

Q. Do they keep a large supply of fresh bait on hand or do they trust to a daily supply?—A. They have to trust to a daily supply.

Q. Then when it is very stormy and the fishermen cannot get bait, they consequently cannot get mackerel?—A. Yes.

Q. Are you acquainted with the north side of the bay?—A. Not sufficiently to speak regarding it.

Q. Take the south side of the bay; is the mackerel fishery an inshore or offshore fishery?—A. Three-fourths of all mackerel taken on the south side of the bay are taken inside of three miles from a coast line.

Q. How far inside as a rule?—A. From all my experience and observation I think the greatest quantity of mackerel is taken about two miles from the shore.

Q. Do mackerel feed much on the cod-banks you speak of?—Q. No; they feed more on lantz, caplin, and smelt, inside the Banks.

Q. That would be within one mile of the shore?—A. A great quantity is taken within one mile; but the bulk of the mackerel is taken between one mile and two miles from the shore all along the coast.

Q. From Belledune River, which is the dividing line between Restigouche and Gloucester counties, all the way down on the south side and around Miscou, and down as far as Tracadie, you have jurisdiction, and know the coast?—A. I can speak with more certainty from Belledune Point to Point Miscou than I can from the eastern point of Miscou to Tracadie.

Q. Is not the codfish also, to a great extent, an inshore fish?—A. In the early part of the season the cod are taken within one mile of the shore; at some seasons they move farther out, but they are generally taken along the Banks I have spoken of as their feeding-grounds.

Q. Is the annual catch of cod there very large?—A. It is a large catch.

Q. Is it increasing or decreasing every year?—A. Last season it was not so good as it had been some seasons before.

Q. Why?—A. They attribute it to the weather being very stormy and want of bait. This season it is better than it has been for a number of years; it is gradually increasing.

Q. I suppose it is increasing because more people are engaged in the business?—A. Not on our coast. I do not think there are any more fishermen there than there were ten years ago. The business is conducted by firms which carry on their business by rule. I am now speaking of the Jersey houses.

Q. Do the Jersey houses have fishermen go up as far as Bathurst?—A. No; they are out more towards the open gulf, Caraquette, Shippegan, and round there.

Q. Are you aware how many vessels are employed on the south side of Bay Chaleurs?—A. It is also in the report.

Q. The number stated is 17 vessels?—A. I think that is the number.

Q. Do you remember how many American mackerelers were fishing on the south side of Bay Chaleurs during the years of the Reciprocity Treaty?—A. I have seen them sailing up and down the coast fishing, but I could not, from personal observation, give you the number, for I did not board them and take their names. From reliable information, I can state there were 300 in Little Shippegan at one time. One man said he counted 306, and another man said he counted 300 at a different time.

Q. Would those numbers coincide with your own opinion on the subject?—A. Yes. I have seen sufficient American vessels sailing up and down the bay to believe such was correct. I counted 30 within a few miles' space fishing and drifting off.

Q. How close in were they fishing?—A. At that time they were within one mile and a half and two miles from the shore. They start early in the day inshore with a southwest wind, throw out their bait, and drift off as they fish.

Q. What was their practice in coming inshore? It was not very safe inshore?—A. With a southwest wind they are perfectly safe. They would run in, throw out the bait, heave to on the main-sail and jib, and drift off with the wind to a distance of perhaps five or six miles out.

Q. The vessels would take the fish out with them?—A. Yes.

Q. Do mackerel frequent the body of the bay or the shores?—A. They frequent the shores for feeding purposes.

Q. Then to get them out toward the middle of the bay you must entice them out?—A. Yes, the vessels entice them out.

Q. Could any person having only the right to fish in the body of the bay and away from the shores, possibly succeed in fishing?—A. Not to make it pay.

Q. You do not think it could be successfully carried on?—A. It would not pay in Bay Chaleurs.

Q. What would you say to the statement that the inshore fisheries for mackerel along that coast are practically useless and worth nothing at all, and that the whole profitable fishing is outside?—A. I should say the man who made it either knows nothing of the fisheries or else he was telling a willful falsehood.

Q. What do you do with the mackerel you catch?—A. They are shipped chiefly to the United States, but some go to Quebec.

Q. Are they sent fresh?—A. They are now shipping them fresh in ice by the Intercolonial Railroad. It is getting to be a very large and growing trade. There will be very little mackerel pickled this year their way, for they are shipping nearly all fresh.

Q. Then for the purpose of shipping fish into the United States, the Treaty of Washington will be of very little value to your part of the country, for before the treaty fresh fish went into the United States free!—A. It will not be the slightest benefit in that respect.

Q. You don't send any vessels from Bay Chaleurs to fish in American waters, I suppose?—A. I never heard of any of our vessels going there.

Q. Did you ever hear of a Canadian vessel going there to fish?—A. I never heard of one.

Q. In regard to the catches of American vessels, do you know a vessel called the John Wesley?—A. I remember her well; I have seen her frequently.

Q. Can you fix the years?—A. I cannot; but she came year after year to our shores. I have seen her about 20 years ago, and I think the last time I saw her was 6 or 7 years ago.

Q. Did she come year after year to the same place to fish?—A. She always fished along the same coast, from Bathurst Harbor down to Grindstone Point, and on to Caraquette and back again down that coast. She got two cargoes a year generally. She was a small vessel, 60 or 70 tons.

Q. She got all she could carry?—A. Yes; and she generally went home early. She was counted one of the lucky ones, and she was well acquainted along the shore. The captain and crew used to call along there and obtain fresh meat, butter, &c. They were well known and they behaved well. They fished generally right along the shore wherever they wished to do so, no one interfered with them.

Q. Did that vessel come each year to catch fish inshore?—A. So far as I know, she always caught her full cargoes along the coast each and every year. I have frequently seen her fishing within one and a half miles of the shore, year after year. Several other American vessels also did so, but I cannot give their names. I well recollect the vessel I particularly mention. I know the captain, and I have conversed with him frequently. I do not remember his name.

Q. Did she fish inside the limits after the abolition of the Reciprocity Treaty?—A. I cannot say that she did. I do not remember of her having done so.

Q. Besides the fisheries of which you have spoken, have you not a herring fishery there?—A. Yes, we have a spring and fall herring fishery.

Q. Where is it carried on?—A. The spring fishery is prosecuted all along the coast. The herring strike along the coast in almost all directions. The fall fishery is chiefly pursued on Caraquette and Shippegan herring banks, along the coast.

Q. Was this a very important fishery at one time?—A. Yes, and a very good fishery. Large quantities of a very good quality of herring were taken there.

Q. Are these Banks within  $1\frac{1}{2}$  miles of the shore?—A. The Caraquette Bank is situated, I think, about 2 or  $2\frac{1}{2}$  miles off Caraquette Island, and Point Mizenette; one of them, a small bank, is not more than one mile from Point Mizenette, and the other one is situated down towards Miscou. The latter is the Shippegan Bank. It lays probably one mile off a line down from Point Mizenette to the northern point of Miscou.

Q. Those were two important and prolific fisheries?—A. Yes.

Q. Are they so now?—A. No. I went there two years ago with reference to some disputes which had arisen among schooners and fishing-boats; and I was then informed by all parties that those fisheries had

been nearly destroyed, owing to the throwing of gurry overboard from the vessels. The fisheries were very poor that season and last season also, owing to that reason. They used generally to catch the fish in about 5 fathoms of water, but the year I was there they had had to move out and fish for herring in about 9 fathoms of water, as fish were only to be taken in any quantity in that depth of water. Last season they took them there in 10 and 11 fathoms of water, having been obliged to move still farther out.

Q. How far would this be from the land?—A. Perhaps half a mile or a mile off the regular Bank where the herring used to be caught.

Q. Did the disputes to which you refer arise between the boats and American vessels?—A. Word was sent me that they were American vessels, but I did not find any of them there. They told me that the Americans left before I arrived. I found some Nova Scotian and Prince Edward Island vessels; these also, the fishermen said, threw gurry overboard.

Q. And it is admitted on all hands that this has destroyed these fisheries?—A. Yes; it has done so to a great extent on these Banks.

Q. During the last ten years the Dominion Government has gone to considerable trouble and expense, I believe, in reference to the protection of the fisheries in rivers entering into the Gulf and Bay of Chaleurs?—A. Yes.

Q. Has this protection of the fisheries increased the number of the fish in those rivers?—A. Yes; and also along the coast.

Q. Has it improved the sea fisheries?—A. Certainly.

Q. Why?—A. Because it has increased the food of the fish. Their food has thus become more numerous along the coast, and the fish come of course to the places where their food is most abundant.

Q. In short, you say that the protection of the river fisheries has had the effect of increasing the value of the bay fisheries?—A. I have no hesitation in saying so positively.

Q. I suppose that you have paid attention to this matter, and that it is part of your business to do so?—A. Yes.

Q. This has increased the number of salmon; and are small salmon preyed upon by sea fishes?—A. Yes; as much as any other fish while they are small and unable to protect themselves. Our small salmon are destroyed as quickly as smelt.

Q. The bait of these fish has been increased in consequence of the protection of the river fisheries?—A. Yes; this is acknowledged by every one who is thoroughly acquainted with the subject.

Q. And the fish in the rivers are increasing rapidly from year to year?—A. Yes; they are increasing very rapidly.

Q. Do you know anything about the system of trawl-fishing?—A. I never saw them trawling, but I have seen the trawls when rigged and prepared for being set.

Q. Have you heard complaints regarding the effect of trawl-fishing?—A. Yes; our Caraquette and Shippegan boatmen, who fish with the line, grumble terribly about it, and say that by trawling all the large and parent fish—the breeding fish—are taken; thus the boat-fishermen are deprived of the opportunity of taking many fish, and they do not secure their share of the large fish at all.

Q. What do they say about purse seining?—A. That it is destructive concerning all kinds of fish, big and small.

Q. Did an instance of this occur the other day before you came here?—A. Yes; an American schooner, said to hail from Gloucester, cast her seine about three miles below, and to the east of, the mouth of the har-

bor, and about a mile off shore, and surrounded a very large quantity of mackerel. They drew the purse, and while so doing the seine caught on a fluke of an anchor, which tore a great part of the bottom out of the seine; hence a great portion of the mackerel escaped, but nevertheless the seiners obtained a very good haul. They also brought up a very large quantity of lobsters in the seine. I tried hard to obtain the name of this vessel, but was unable to do so.

Q. The purse seine takes in all kinds of fish, big and small?—A. Yes; it is a small meshed seine, and everything that it encircles, the food of the fish, the fish, and everything else, is taken.

Q. It scrapes the bottom clean?—A. Yes. They have now these seines so leaded and weighted that they will sink to the bottom, whatever be the depth of the water. As soon as they draw the seine around the mackerel the latter descend. They first raise the mackerel in a school by feeding them, and then they shoot out the boats, and, encircling the school with the seine, draw the purse. The mackerel always descend in order to get under the seine, and therefore the latter must reach the bottom almost immediately after being cast.

Q. Do the seiners thus kill many fish useless to them?—A. O, dear, yes. This mode of seining is very destructive to all kinds of fisheries—very destructive indeed.

Q. Do American vessels come to our coast to secure bait for fishing purposes?—A. Yes. They must get bait from the shore fishers.

Q. Do they fish for it or buy it, or do they fish for and buy it?—A. They fish for it when they can, and if they can buy it they do so.

Q. Have you squid along your shores?—A. Yes; in large quantities at some seasons of the year. They strike inshore some time about the last of August and the first of September. They have not arrived yet. Large quantities were there last season, and this is generally the case every season.

Q. Squid are a favorite bait for cod?—A. They are the best cod-bait for trawling-lines that can be obtained. They are considered to be the best bait for cod.

Q. Do the Americans come inshore for them?—A. Yes.

Q. And you have large quantities of that bait on your coast?—A. Yes; also all along the shore from Belledune Point to South Tracadie. I have seen places where twenty barrels of them could be taken with a scoop-net; you could wade out and just scoop them in.

Q. Do you think that the Americans could successfully prosecute the cod-fishing, either in the Gulf of St. Lawrence or in the Bay of Chaleurs, unless they had the privilege of coming inshore for bait?—A. No; I do not think that they could do so otherwise. I do not consider it reasonable to think that they could carry on this fishery without that privilege. I know that our fishermen have to come in, if they have not bait enough, with half a load, and sometimes with less than that; as soon as their bait is done they have to come inshore to secure bait.

Q. You said that there was not a very good catch of fish—say mackerel, for instance—last year, and you attributed this to the stormy weather?—A. Yes; all the fishermen of whom I inquired also thought so.

Q. Did you see the fish schooling last year?—A. Yes.

Q. And can you thus tell whether they are plentiful or not?—A. Yes.

Q. Did you see these fish schooling as usual last year?—A. Yes.

Q. But the weather was too stormy to permit of their being taken?—

Yes; these fish will not rise in stormy weather; they want a south-st wind to induce them to do so. A wind off land is the best wind for

the taking of mackerel; when the water is perfectly calm they school better and rise better to the bait.

Q. I understand that, in fact, all the mackerel now taken in your neighborhood are shipped at once to the United States in the fresh state?—A. Yes; the chief portion of them is so shipped. This is done wherever they can be brought in the fresh state to a railway.

Q. If the market for fresh fish is not very good at any time, do they freeze and keep them?—A. Yes; for winter use.

Q. And ship them in winter?—A. Yes. I think there are five freezers in Bathurst.

Q. What are these freezers like?—A. A building in which the fish are to be frozen is prepared, and they generate the frost by mixing salt and ice, and putting this between galvanized iron plates; and as the frost is thrown off from the ice by the decomposition of the salt, it is introduced into the fish through these galvanized sheet-iron plates.

Q. And the fish are thus frozen in summer as hard as it is possible to freeze them in winter?—A. Yes; a forty-pound salmon can be frozen hard in twenty-four hours.

Q. And how long can they keep in that state?—A. For 12 months if you so choose.

Q. And if the market for these fish is not favorable in the summer, they can be frozen in the fresh state and sent in the frozen state in winter to the United States?—A. Yes.

Q. Practically this Washington Treaty is of no earthly use to the fishermen in your neighborhood?—A. It is not, as far as I am aware.

By Mr. Foster:

Q. Do you remember from what port the John Wesley comes?—A. No; nor the captain's name, though I have seen him frequently.

Q. How many years have passed since she visited your shores?—A. I do not think that she has been there for seven years.

Q. She does not appear to have availed herself of the benefits of the Washington Treaty?—A. She may have come since to our coast; she may be afloat yet, for all I know.

Q. How many American mackerel fishing vessels have you seen this year?—A. I could not say.

Q. How many have you heard of as being there?—A. None were in when I was down the coast.

Q. When was that?—A. About the 20th of July.

Q. Have you heard of any being there since?—A. Yes.

Q. How many?—A. Some have passed up the bay, but I could not tell how many, because they may pass up and come down again.

Q. So the same vessel may be counted twice?—A. Yes, for aught I know.

Q. One is pretty sure to count them twice?—A. Yes. I only know of three or four vessels that have been seen coming. Of course I did not make inquiries on the subject, but the seiner I mentioned, and two or three others, were on the coast.

Q. How many American vessels did you see along the coast last year?—A. I saw very few.

Q. Did you see half a dozen?—A. There might have been more; but I only saw a few, and I did not keep any correct count of them.

Q. How many did you see in 1875?—A. I could not tell.

Q. Their number was small?—A. Yes, compared with what it used to be.

Q. How was it in 1874?—A. I think that their number was small that year as compared with former years.

Q. What about 1873?—A. The number was then something the same.

Q. When was the last year during which a considerable number of American fishing-vessels were seen on the south side of the Bay of Chaleurs?—A. Probably about 1870. I think that there was a large American fleet in that year.

Q. But not since?—A. I would not say so positively, for a number of these vessels have been there since. A great many were there, however, about 1870.

Q. I understood you to say that the reason why the cod-fishery had not been good this year was owing to stormy weather and the want of bait?—A. I then referred to last season.

Q. Do you mean that there was no bait which the fishermen could use, or that there was actually no bait?—A. They could not catch bait; it was too stormy to permit of it.

Q. Do you attribute the failure of mackerel bait to the same reason?—A. Yes.

Q. If your boatmen who fish for mackerel had been supplied with pogies from the States, could they not have caught fish?—A. Probably they could have done so, but they do not generally procure this bait. There is no occasion to do so unless the weather is very stormy, and this is seldom the case.

Q. There being usually a good supply of bait on your coast, that bait is not worth the expense that would be entailed in bringing it there?—

A. Yes.

Q. How many miles of coast are there in your district?—A. I could hardly say.

Q. How many harbors are in your district?—A. We have, for vessels, Bathurst, Caraquette, Big Shippegan, Little Shippegan, and Tracadie Harbors—five.

Q. And in these five harbors you have seventeen fishing-vessels?—A. Yes. They are chiefly owned in Caraquette and Shippegan Harbors.

Q. What is the tonnage of these vessels?—A. I suppose they would average from thirty-five to forty tons.

Q. How do they dispose of the mackerel which they catch and which are sent to the States?—A. A good many of the boat-fishers ship to the States themselves in what is called the Quarry schooner. Grindstones are shipped from a quarry to the United States, and for a number of years a good many of the fishermen have sent their fish to the States in the schooner with the grindstones. Mr. Low, or whoever takes them, sells them and makes the returns. Others sell their fish to speculators, who come there for the purpose from the States.

Q. Are firms established for this purpose there?—A. No; not for the purchase of mackerel.

Q. And those who do not send their fish direct sell them to the speculators?—A. Yes.

Q. Formerly when American vessels were there did any sell their fish to these vessels or is this done now?—A. I never knew of it being done. These vessels generally caught their own cargoes. This year the fishermen are shipping nearly all the fish in the fresh state packed in ice.

Q. In search of what food do the mackerel go to the Banks?—A. Lantz. The mackerel come inshore for them. The lantz play along the sand beach, and the mackerel follow them and the caplin.

Q. Are the lantz a kind of sand-eel?—A. Yes.

Q. How long is it ?—A. Six or seven inches.

Q. Is it found a good ways out from the shore ?—A. I have not known them to be found more than a mile or two from the shore.

Q. How is it with the shrimp or that little red fish ?—A. It stays mostly on the bottom. The shrimp is a small shell-fish.

Q. I refer to the shrimp or brit which the mackerel consume ?—A. They lay generally along the shore. They are never found, to my knowledge, in very deep water.

Q. Your experience has been chiefly with regard to the fishery within 2 and 3 miles of the shore ?—A. I am pretty well acquainted with it beyond that distance.

Q. Would you be surprised to hear that the brit are found 25 and 50 miles off shore ?—A. This may probably be the case. I am not much acquainted with the habits of the brit or shrimp, but I am perfectly acquainted with the habits of the lantz.

Q. And this bait confines itself to the shore ?—A. Yes; it half buries itself in the sand. It is a sand fish.

Q. Are there any mackerel-spawning grounds along the south side of the Bay of Chaleurs ?—A. I cannot tell that. I do not know.

Q. Your experience has not been sufficient to enable you to say when, where, and how the mackerel spawn ?—A. No.

Q. Yet you have had a good deal of observation with regard to the habits of mackerel ?—A. Yes.

Q. Is not this one of the recondite things which very few naturalists after close observation are able to decide ?—A. I do not think that I ever heard anything authentic on the subject as to where and how they spawn.

Q. You would not give much weight to a common fisherman's statement concerning a particular locality as being a mackerel-spawning ground ?—A. Such a statement might be correct for aught I know.

Q. You would not pin your faith to it as a matter of science ? Is it not a very difficult thing to tell ?—A. Such a fisherman may have had more opportunities for observation on this point than I have had; and I would not dispute the statement of a man on oath or his word when my own experience had not taught me to think differently.

Q. Caplin, you say, appear on the shore about the 1st of June ?—A. Yes.

Q. How long on the average do they stay there ?—A. Perhaps for a fortnight or three weeks; they strike in along the coast in different parts.

Q. It would be a surprising long stay if they remained in one place for six weeks ?—A. It has not been my experience that they remain so long as that in one place. Their average stay varies from two or three weeks, in my experience.

Q. Do they come to all the points they frequent in your bay at once ?—A. No. They first strike the coast near Belledune, and they go down along it.

Q. How far south are caplin found ?—A. I do not know.

Q. It is an Arctic fish ?—A. I do not know whether it is or not.

Q. It is not found in the States ?—A. They are very numerous along our coast in the spring—too much so, that they scoop them up and use them in large quantities for manure.

Q. They are not good for eating unless cooked immediately after being caught, I believe ?—A. I have known some of them to be dried; but I do not know what kind of bait they make when dried. They are a very good food-fish while they are perfectly fresh.

Q. Are they salted or pickled or cured in any way, to be used as bait?—A. I never knew of their being cured; they are too tender for that.

Q. How long will they keep in the fresh state?—A. They can be dried and used long afterward.

Q. How long?—A. All the season, I understand, if they are dried properly. They are thrown into a pickle, in which they remain three or four hours, and then they are spread out in the sun and dried.

Q. Do any people come to your place to buy caplin?—A. I have heard of this being done, but I do not personally know that it is the case.

Q. If they were sold in large quantities, would they not become valuable to your fishermen?—A. They can be cured and sold when dried.

Q. If you had a market in which to dispose of the caplin you use for manure, would they not assume a new value to you?—A. Yes; if the people do not stop destroying them thus, it will ruin our fisheries.

Q. Are herring very abundant on your coast in the spring?—A. Yes.

Q. They are sold at a very low price, are they not?—A. They are not worth anything much, except for bait. The spring herring is not a good food-fish; it is not marketable.

Q. Are they not cured in the spring?—A. O, yes; they are salted down in quantities, chiefly for domestic use, and they are very cheap.

Q. How is it with the autumn-herring fishery?—A. These herring are a good marketable fish.

Q. What used to be done with the autumn herring?—A. They were generally shipped to Quebec and sold for home consumption.

Q. In the pickled state?—A. Yes.

Q. Are herring smoked in your neighborhood?—A. That class of herring is not generally smoked, but there is a small herring which is sometimes smoked. Some autumn herring, however, are smoked.

Q. Autumn herring were never sent largely to the States?—A. I cannot say that they were. I think that they were chiefly sent to Canada.

Q. And your codfish have never been largely sent to the States?—A. No.

Q. Have your salmon been largely sent there?—A. Yes.

Q. If your American market for salmon was cut off, would it at all affect your salmon business?—A. O, yes; certainly.

Q. That would be a serious thing for your people?—A. We want a market, of course, for our salmon, and that would effect them considerably, I suppose, unless they secured another market for these fish.

Q. The same thing would hold true regarding your business in mackerel?—A. Yes.

Q. So it is of some consequence to you to have a market for your mackerel and salmon in the United States?—A. O, certainly it is.

Q. Fresh fish are very rapidly taking the place of salt mackerel in the market, and the importance of salt mackerel and other cured fish is diminishing more and more every year. Is not this the case?—A. That is my experience in my district.

Q. And owing to the extension of the railroad system and the use of ice-cars, pickled, salt, and smoked fish will steadily become of less consequence?—A. Certainly.

Q. How long can mackerel be kept in ice so as to be sold fresh?—A. I do not know. Fresh mackerel are now sent away to market in tons, not frozen, but packed in ice. They are regularly so sent to New York, and sold there in good condition.

Q. How many days does it take to send them to New York?—A. Four, I think. They do not even take the trouble to freeze them, but

pack them in ground ice; the fish are packed solid, and are brought in a fresh condition to market.

Q. Would the fish then be as good to eat as if caught in the morning?—A. I would not think so, but still this is done regularly now all the season.

Q. Mackerel, I believe, peculiarly requires to be eaten fresh?—A. Yes; the moment they are taken out of the water the fish are placed in ice-houses along shore, or in ice kept in the boats, and they are kept in ice until they reach the market.

By Hon. Mr. Kellogg:

Q. Are the fish not opened first?—A. They are drawn, but not opened, and the entrails are taken out. This is done when they are sent any distance, but not for short distances.

By Mr. Foster:

Q. Has not your personal observation of the fishery been principally confined to the boat-fishery?—A. O, yes; to boat and schooner fishing.

Q. And the boats fish generally within three miles of land?—A. O, no; our class of boats can go out nearly as far as any schooner. They can be taken out to the Banks, or to sea. The boat-fishermen, however, generally come home Saturday nights and go out again Monday mornings.

By Mr. Thomson:

Q. If the market for our fresh fish in the States was closed, another market for them would have to be secured?—A. Certainly.

Q. You are aware that neither salmon nor fresh mackerel are admitted free of duty into the United States under the provisions of the Washington Treaty?—A. Yes; it is patent that if a market for any article is closed, an injury is sustained in this respect.

Q. And an injury would also be also sustained by a large number of people who created that market?—A. Certainly; the closing of the market in the United States to us, as far as our fresh fish are concerned, would injure Americans as much as our fishermen.

Q. The consumers there would be as much inconvenienced as the fishermen here?—A. Decidedly that would be the case.

Q. Did you ever search for mackerel-spawning grounds in the bay?—A. No, never.

Q. If a common fisherman has practical experience of a fact of which he is witness with his own eyes every day, I presume that it would require a good deal of argument to drive that out of his mind?—A. I think so. If I saw mackerel spawning in a certain place, I would come to the conclusion that they spawned there, and no man could shake my views on that point.

Q. If a scientific gentleman came here and assured you from the most wonderful scientific reasons that these fish could not possibly spawn there, that would be the case?—A. Certainly; I would not believe him rather than my own eyes.

Q. Your experience respecting the brit or shrimp is that it is not a deep-water fish?—A. What I call the shrimp is a small, crooked little fish, which is generally found along shore. I do not know it by the name of brit; it has many little legs, curls itself up, and crawls on its side. It is a great food for cod and a great many other fish.

Q. You describe the ordinary shrimp.—A. That is what I call the shrimp.

By Mr. Davies :

Q. This shrimp is found in the sand?—A. Yes.

Q. It does not float in deep water?—A. No ; it goes along the sand.

By Mr. Thomson :

Q. Do mackerel feed on this shrimp?—A. Yes.

Q. That is undoubtedly an inshore fish?—A. Yes.

Q. The brit are very small fish with large eyes?—A. I do not know it by that name. I never heard this name before. I refer to a small crooked fish.

Q. Shrimp are found in large numbers on your coasts?—A. Yes.

Q. Are they used for food at all by your people?—A. No.

Q. You say that the fishing-boats stay out for a week sometimes?—A. Yes ; if they have bait and fair weather.

Q. These are cod-fishers?—A. Yes, and also mackerel fishers. The boats are built for the purpose, and they can go anywhere in mid-bay.

Q. Do they take out ice with them?—A. Yes, and they draw the fish at once. They draw the entrails out by the gills. They do not cut the fish open.

Q. Were not the 300 American schooners of which you spoke pretty large?—A. Some were large and some were small. None of those that resort to our coast are very large.

Q. What do they average?—A. Something between 60 and 80 tons, I think. They are generally of pretty broad beam and flat bottomed. I have frequently been on board of them.

Q. Do you mean to say that there was not a large fleet of American vessels in the bay in 1873 or 1874?—A. I do not know whether that was the case or not, I do not remember of having seen them ; that is all. I do not recollect that I had any opportunity for seeing them during those years. A large fleet may have been in for aught I know.

Q. It was not your business to see whether they were there or not?—A. No ; and I was not down the coast during the mackerel-fishing season. I did not take notice of them. They may have been there in large numbers.

Q. Nepisguit Bay is a bay along the shore of the Bay of Chaleurs?—A. Yes ; it extends from the headland, Belledune Point, to Mizenette Point.

Q. Did you ever hear of caplin being dried and then used for bait?—A. No ; but I have known them to be dried for other purposes.

Q. And they are eaten when dried as a kind of relish?—A. Yes.

Q. You never heard of fishermen fishing with dried caplin?—A. No.

### No. 51.

**ENOS GARDNER**, overseer of fisheries for the county of Yarmouth, and clerk of the peace for the county of Tusket, Yarmouth County, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

Question. What fishery is prosecuted along the shore of the Yarmouth County coast?—Answer. The cod, mackerel, and pollack fisheries. Some halibut are also taken there. All the mackerel taken near our coast are caught inshore.

Q. How far from the shore?—A. Quite close to it ; from half a mile to  $1\frac{1}{2}$  miles from it. This has always been the case, to my knowledge. I do not know of any mackerel being taken beyond that distance from the shore. I never heard of it being done.

Q. Are the cod, halibut, and hake, &c., as well, taken inshore to any extent?—A. They are caught near the shore in what we call the shore fishery. They are taken from 5 to 25 miles offshore.

Q. Are any cod or halibut taken as near as from one to two miles of the coast?—A. I think so, in some parts, but not to any great extent.

Q. What bait is used by the cod-fishers?—A. I think that they use a great deal of mackerel.

Q. Then they have to come inshore for such bait?—A. Yes.

Q. Do they also use herring for bait?—A. They use herring for that purpose.

Q. Are these herring taken inshore?—A. Yes.

Q. Near where the mackerel are caught?—A. Yes. The herring-nets are set where the mackerel are taken.

Q. Do the caplin visit your coast?—A. No; I know nothing about them.

Q. Do squid do so?—A. No.

Q. You only have herring and mackerel for bait?—A. Yes.

Q. Do American vessels come in largely along that portion of the coast for bait?—A. Yes.

Q. Do they fish for it or purchase it?—A. They chiefly purchase it. I do not think that they fish for it at all there.

Q. Can the cod-fishery be carried on without fresh bait?—A. The fishermen tell me not.

Q. Do you think that the Americans could successfully carry on the cod-fishery within from 5 to 25 miles of your coast, if they had not the privilege of coming inshore for bait?—A. No; I do not think that they could.

Q. Are the mackerel taken in boats in the inshore fishery?—A. 92 small schooners fish there; very few of them go to the Banks. The majority of them are engaged in the shore fishery.

Q. These vessels belong to your county alone?—A. Yes.

Q. What is their average tonnage?—A. From about 60 to 70 tons.

Q. What is the number of vessels engaged in this fishery?—A. It is over 400.

Q. How many men are employed on these schooners?—A. Between 1,200 and 1,300.

Q. And on the boats?—A. About 700 or 800.

Q. Have you noticed the fact that the mackerel are extremely plentiful along the coast this year?—A. There will be a very large catch of mackerel by Yarmouth County fishermen this year. It will amount to about 12,000 barrels, I should think.

Q. Are these fish now caught?—A. Yes. I suppose that the catch is about over. I refer to spring mackerel.

Q. Do you not have a fall catch?—A. Very few are caught in the fall.

Q. And about 12,000 barrels have been caught.—A. Yes.

Q. How long have you been fishery overseer?—A. I acted with my predecessor, and I commenced to perform this duty in 1870.

Q. Have the fisheries of all kinds since 1870 increased enormously on your coast?—A. Yes. The fisheries have almost trebled in value. This has been the case since 1869; since the fishery act came into force.

Q. This act was passed in order to protect the fisheries?—A. Yes; the river fisheries.

Q. Has this had the effect of improving the coast fisheries?—A. It has had a great deal to do with that improvement, in my judgment. The young fish were very largely destroyed in the rivers before the

fishery act came into force, and since then they have increased very largely, and thus afforded bait for the sea fish.

Q. The river fisheries have besides been greatly improved ?—A. Yes.

Q. Do you know anything about the fisheries in the gulf ?—A. No.

Q. Is there a large fishery in St. Mary's Bay ?—A. Only a small portion of this bay is in my district. A great deal of fishing is done at Green Cove. The county line runs by this point.

Q. Do the Americans fish there much ?—A. Not to my knowledge, but I have heard of their being there.

Q. All the mackerel taken off your coast are caught within a mile of the shore ?—A. They are all taken close to the shore—from half a mile to one and a half miles from it.

By Mr. Dana :

Q. Do your people confine themselves almost entirely to boat-fishing ?—A. Ninety-two schooners are owned in the county.

Q. Where do they fish ?—A. Most of them fish along the shore. Some go to the Banks; but not a great many during the last few years.

Q. Are these vessels decked ?—A. O, yes. Most of them are engaged in the cod fishery, but some few fish for mackerel.

Q. They fish anywhere inside or outside of the limits ?—A. Yes, and on the Banks.

Q. You do not undertake to say where the cod fishery is mainly carried on ?—A. O, no.

Q. Do Americans come to fish for mackerel much on your coasts ?—A. No; but they come there to buy mackerel for bait. I do not think that they come there to fish.

Q. Then your coast has not suffered from their presence in the way of seining or the throwing overboard of offal or anything of that sort ?—A. I do not think that they fish much on our shore; but they come in very frequently to buy bait and carry on the deep-sea fisheries.

#### No. 52.

TUESDAY, September 4.

The Conference met.

WILLIAM ROSS, hon. collector of customs, Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe :

Question. You reside in Halifax ?—Answer. Yes.

Q. You are a custom-house officer ?—A. I am collector of customs for this port.

Q. You were for a long period in the legislature of Nova Scotia ?—A. Eight years.

Q. Previous to confederation ?—A. Yes.

Q. And afterward you were a member of the House of Commons for the Dominion of Canada ?—A. Yes, from confederation to the fall of 1874.

Q. You were also a member of the privy council of Canada ?—A. I was.

Q. Minister of militia ?—A. Yes.

Q. Some years ago you were engaged in business ?—A. Yes.

Q. At what place ?—A. At St. Ann's.

Q. That is on the north side of Cape Breton ?—A. Yes.

Q. Between Cape North and Cow Bay ?—A. Yes. My knowledge of

the fisheries is pretty much confined to between Scatarie and Cape North; that is, my personal knowledge.

Q. What kind of business did you do at St. Ann's?—A. A general country business and supplying fishermen, hiring crews for fishing.

Q. For whom?—A. For myself.

Q. Did you prosecute the fishery by vessels, schooners?—A. Slightly—not a great deal.

Q. By boats, and, to some extent, in vessels?—A. Yes.

Q. From what year? State the period.—A. From 1850 to 1863.

Q. Did you deal at all with the American fishermen?—A. Sometimes.

Q. Were they in the habit of entering your harbor?—A. Yes.

Q. To what extent?—A. I scarcely understand you.

Q. To what extent did they enter your harbor?—A. They would come in there, quite a large number of them. They would buy country produce—butter, potatoes, beef, mutton.

Q. You supplied them then?—A. Yes, whatever they wanted.

Q. At what period of the year did they frequent that part of the island?—A. Principally in September and October. More during September and October than any other time.

Q. Were you in the habit of purchasing and exporting fish?—A. Yes, I bought fish all the time.

Q. For many years?—A. During the time mentioned.

Q. Did you purchase and export mackerel?—A. I used to send most mackerel here—to the Halifax market.

Q. You purchased and caught mackerel on the coast of Cape Breton?—A. Yes, I purchased all the time, and had my men engaged in catching fish for me.

Q. The whole of that period?—A. Yes.

Q. During the whole of that period, did the American mackerel vessels enter your port—were they in the habit of frequenting the coast?—A. Yes, certainly. Some years, of course, more than others.

Q. Now, with regard to the time the mackerel came in—when they first appeared in that part of the island?—A. The mackerel came from the southward, and made their appearance generally not earlier than about the 25th of May, and followed on till about the 15th or 20th of June.

Q. Going north?—A. Yes; all those were all poor—large, poor mackerel, full of spawn, I think on their way to the spawning ground.

Q. What period afterwards would you find them; what time would you commence to fish?—A. As soon as the mackerel made their appearance. We would commence in May. We would prepare to fish from the 25th of May, but the best fishing of the season would be from the 5th to the 20th of June.

Q. That would be the best of the season?—A. Yes, for spring mackerel.

Q. Then, how late would the mackerel remain on your shores?—A. Well, we would keep our crews engaged for mackerel as late as, say, the 10th of November.

Q. Then you would keep your crews engaged from May 15th to the 10th of November?—A. Yes.

Q. And, more or less, would you fish during the whole of that period?—A. From the 20th of June till about the middle of July would be slack, very slack. We might catch a few, but few.

Q. But you would still have crews engaged?—A. O, yes. After that the mackerel would trim the shore, and we would look for mackerel all the time from that out.

Q. From the 15th of June they would trim the shore until they left the coast!—A. They went home in the fall. They went to their winter quarters, wherever that is.

Q. Now, at what period did the American fishermen first appear there; at what period were they in the habit of first appearing on your coast?—A. The American fishermen always used to come around there. They came from the north to our coast. They would come from the north side of the island. They would come around Cape North and follow the fish.

Q. About what period did they appear?—A. From August to September or October. There were more in September and October.

Q. Now, to what extent did they appear there; in what number at St. Ann's? From what you learned from themselves, or from what you saw, can you give us an idea what numbers came to that part of the island?—A. They did not all come to St. Ann's.

Q. Well, I don't mean St. Ann's, I mean that side of the island. What numbers?—A. I could not say exactly; perhaps from sixty to one hundred vessels.

Q. Well, have you any idea whether they fished inshore or offshore?—A. Well, more inshore. They fished both inshore and offshore, I think.

Q. Where did you catch your fish?—A. All inshore.

Q. Within what distance of the land?—A. Mostly within three-quarters of a mile, half a mile and quarter of a mile.

Q. From one-quarter of a mile to three-quarters of a mile you would catch your fish?—A. Sometimes closer.

Q. Why didn't you fish further from the shore than three-quarters of a mile?—A. Because we would be going off the fishing grounds.

Q. Then, if I understand you, the bulk of the fish, the largest quantity of the fish, are within three-quarters of a mile of the shore?—A. The fish trim the shore close in fine weather, when the wind is off the shore. When the wind is on the shore the fish are like a ship, and they work out gradually to deep water.

Q. Do they leave the place altogether?—A. No.

Q. Do they go anywhere else for shelter?—A. When it is rough, stormy weather, with the wind on shore, they work off and get into some other lea. Then when the weather is—

Q. When the wind is off shore at your place, where would they go for shelter?—A. That I cannot say. But when the weather gets fine again they all come back.

Q. I think you said you had vessels engaged in the fisheries—schooners, had you?—A. I had a schooner engaged.

Q. Well, will you undertake to say whether it would be worth while to engage, to invest capital in the mackerel fishery, provided you were excluded from fishing within three miles of the shore?—A. I don't think any person would try it on our coast.

Q. Wouldn't it be profitable?—A. No; I don't think it would.

Q. Would it be profitable, I mean, to send vessels into the Gulf of St. Lawrence at all for mackerel, provided you were excluded from fishing within three miles of the land?—A. I can't speak of the Gulf of St. Lawrence from observation; I can only speak of our own coast.

Q. Well, as far as that coast is concerned, you are able to speak of that?—A. Yes.

Q. Are you aware, from the Americans themselves (you are speaking of the coast between Scatari and North Cape)?—A. Yes.

Q. Do you know from the Americans themselves whether they would

consider it worth while to come into the gulf to fish unless allowed to fish inshore?—A. They were always anxious to have the right to fish within.

Q. You know that from themselves?—A. Yes.

Q. Now, do you know whether they fished inshore after the abrogation of the Reciprocity Treaty?—A. I believe they did.

Q. And before that, did they fish inshore?—A. Yes.

Q. They were in the habit of so fishing?—A. I think that always, when they found there was no person to look after them, they would go to the fishing grounds, and that would be close inshore.

Q. Do you know how they were in the habit of fishing?—A. They carried on the fishing with the hook on our coast pretty much altogether. There was one year that two vessels fished with nets at our harbor, but they did not follow that up often.

Q. When they were actually engaged in the fishery, how were they in the habit of commencing to fish and carrying it on?—A. Well, they had their bait; they would run in close to the shore to smooth water.

Q. Describe how close to the shore.—A. Well, as close as it would be comfortable for vessels to go.

Q. As close as it would be safe?—A. Yes; that is the way they would contrive to raise the fish; then they would throw their bait overboard. Some days the fish would be abundant, but would not bite. The mackerel is very peculiar. There may be one great day for the fish, when the fishermen will remark that they are hungry. The mackerel will bite better before a storm always. If there is a fine day before a storm the mackerel will always bite. Well, they throw the bait overboard; if they raise the mackerel, a lot of vessels, then they drift off shore, and the fish would follow them and they would continue fishing. By-and-bye the mackerel would appear to get slack, and then they would set their sail and run in toward the shore.

Q. As close as they could come?—A. Yes.

Q. Then they would drift off again in the same way?—A. Yes.

Q. And they would continue that mode?—A. Yes; they would continue and would catch some of them outside the limits, as we would say.

Q. But the quantity of fish would slacken until they would have to run in again and go out the same way?—A. Yes.

Q. That is the practice of catching fish?—A. That was the practice on our coast.

Q. Well, would they run in where your boats were fishing?—A. Sometimes.

Q. Did they in any degree interfere with the fishing?—A. Our people would say that once the vessels came in amongst them they could not catch fish.

Q. Why not?—A. Well, the bait the Americans had for fishing was better, and they threw large quantities of it overboard, and the fish appeared to be attracted by it. Our people fished in their boats, you know; they would fish just from their moorings.

Q. What time did you leave St. Ann's; you had a business establishment there, and resided there, did you not, all the time?—A. From 1847 until 1874.

Q. Well, then, you removed from there?—A. I removed from there.

Q. Now, did you carry on the business of mackerel-fishing until 1874?—A. From 1850 to 1873.

Q. You carried it on until you moved?—A. Yes.

Q. Did your establishment go into the hands of another person?—A. Yes.

Q. Has he been carrying on the mackerel fishing since!—A. Yes; to some extent.

Q. He has your place of business, your fishing boats and gear, and just stepped into your shoes, as it were!—A. Well, I didn't keep a large number of fishing-boats, except sufficient for my own use, but I supplied the whole country along there and took their fish.

Q. He has been going on up to the present time!—A. Yes; he is there now.

Q. I suppose you were in frequent communication with him!—A. Yes; every week, nearly.

Q. Has he been going on with it this year!—A. Yes.

Q. Is it any better this year!—A. I can't say that it is.

Q. You don't know whether it is or not!—A. He took about a couple of hundred barrels with the seine sometime in July.

Q. Well, these mackerel, these 200 barrels, were taken with the seine inshore, were they!—A. They were taken at Ingonish.

Q. Did you ever know of such a mode of taking them as by the purse-seine by our fishermen!—A. No; not with our fishermen, but they have with us what they call a spiller; that is, where you take mackerel on rough bottoms, where you can't haul the seine ashore, you have another seine to put inside to take the fish out.

Q. By that mode do you take all the fish!—A. Yes.

Q. You don't throw any of them away. Do you know anything about the purse-seine!—A. I know only by report.

Q. Do you know it from the Americans themselves!—A. Well, by what I understand about it it is that you can take mackerel with them wherever you can find them, wherever they show themselves.

Q. Do you know whether this injures the fishing-ground or not!—A. If the mackerel are allowed to go to waste, or get destroyed, or anything of that kind, that would be considered injurious. The mackerel are considered by the fishermen to be easily frightened. Our people have a prejudice against seining mackerel altogether.

Q. Do you know whether the Americans consider our mackerel inferior or superior to what they take on their own coasts!—A. There is no mackerel superior to ours when they are properly dressed. The further you go north the better the fish.

Q. I believe, Mr. Ross, you were in the House of Commons at the time the Washington Treaty was discussed!—A. I was.

Q. Did you oppose or support it!—A. I opposed it. One of the bright things in my political history is that I opposed the Washington Treaty.

Q. Did you consider it would be better for Canada to preserve her own fisheries, and exclude the Americans!—A. My reason for opposing the Washington Treaty was that it left unsettled the very thing that it should have settled. It left undone what it ought to have performed. That was a great weakness in the treaty. Then I opposed it again because I believed we were giving away too much and receiving too little.

Q. Well, do you believe that now!—A. I have no reason to change my mind; that is, unless you get it now.

Q. Now, what do you consider the general opinion of those fully acquainted with the subject to be with regard to the question!—A. I know my constituency highly approved of my action in opposing the Washington Treaty.

Q. You were aware of that!—A. Yes; I had good evidence of it.

Q. You are aware that the people in that section approved of those

opinions that you held?—A. Yes; I was returned by acclamation afterward, at the next general election.

Q. I suppose you have means of ascertaining, besides, that that was the general sentiment of the people fully acquainted with the fisheries?—A. Well, the sentiment of our people is that the advantages were too limited for what we were giving in return. Those are my own sentiments.

Q. Well, do you find that to be the general opinion of those acquainted with the subject?—A. That is the opinion of the leading men in my own constituency.

Q. Now, do you know whether the price of mackerel after the abrogation of the treaty—has the price increased or fallen off?—A. Some years it fell off to less than it was before. I think it was the year 1872 that mackerel was very low.

Q. Do you know anything about the average price after the imposition of the duty?—A. Well, we supposed it was only our best mackerel that was wanted for the American market. For instance, the poor fish, a quantity of that would be wanted for the West Indies trade. Our fall mackerel would be wanted by the Americans because they were fat, and the price averaged from \$11 to \$14, according to the quality.

Q. Well, since the Washington Treaty have the fishermen received any more, or less?—A. Not so much.

Q. Since the Washington Treaty the fishermen—I am not speaking of any particular class, but generally speaking—since the Washington Treaty you say the fishermen have not received as much?—A. One year during the Reciprocity Treaty the price was high.

Q. I am now asking with regard to the Washington Treaty. You say they have not received as much?—A. No.

Q. Now, do you know where the bait is procured by the Americans for the cod-fishery?—A. Sometimes they run into our harbors for bait.

Q. Did they get bait from you?—A. No. I never sold it. You know the bait would not be caught where I reside. It would be caught about Ingonish and Cape North.

Q. Do you know whether they could carry on the fishery successfully without procuring bait from our shores?—A. I think for the successful prosecution of the cod-fishery fresh bait is absolutely necessary.

Q. Do you know how often they would come in for it at the places you speak of?—A. Just occasionally.

Q. How many times during the season would they come in?—A. I could not speak from observation, only that they used to come into Ingonish, and along there, to get bait.

Q. During every season?—A. Yes, during every season they fished off there.

Q. I don't know whether you are aware of their transshipping or not from the Americans themselves?—A. I heard from them.

Q. From themselves?—A. Yes.

Q. Do you know, from what they were in the habit of informing you—do you know whether they consider it a valuable privilege?—A. It would be a privilege so that they could prosecute the fishery to a better advantage during the fishery season.

Q. In what respect?—A. They fitted out again and went on the fishing-grounds without being compelled to go home with the fish.

Q. What proportion more of codfish do you think they would take by having the privilege of obtaining bait under the treaty?—A. I should

think a vessel using fresh bait would catch at least double the quantity of fish.

Q. You have confined your statements chiefly to your own district. I don't know whether you have ever learned from the Americans what number of vessels they had in the gulf. Can you speak on that subject?—A. I could not say positively. Perhaps six or seven hundred.

Q. And do you know how many barrels of mackerel they were in the habit of catching each trip?—A. I think from 600 to 700 barrels, or 800 barrels. Of course that would be a successful trip, a very successful trip. They would not average that.

Q. Well, now did the American fishermen ever deal with any person else on your part of the coast except yourself?—A. O, yes.

Q. I mean any trader?—A. Up at Ingonis there were some traders.

Q. How far is that from your place?—A. Twenty-five miles.

Q. But I am speaking of your harbor?—A. Not much. They dealt some at Sydney. They would fish there and get cargoes off there.

Q. But that is a long distance from you?—A. About 25 miles.

Q. The harbor? I thought it was more. Then you are not speaking of those same vessels that would deal with you? They would not deal at Sydney?—A. Sometimes the same vessels would fish from our coast right up to Sydney and go in there and get what they wanted as it suited them.

Q. Was it usual or unusual for a vessel not to get her fare of mackerel?—A. The vessels that frequented our place would be generally on their second trip; sometimes on their third.

Q. Would they usually—was it usual or unusual for vessels not to get a good catch of mackerel?—A. Sometimes vessels would be nearly loaded; at other times there would be perhaps some vessels with a very small catch. The majority would be well filled.

By Mr. Dana:

Q. Speaking of the mackerel fisheries this year, Mr. Ross, as collector of customs in Halifax you have had a pretty good opportunity of observing or hearing what reports are made of the state of the mackerel fishing, haven't you?—A. I could inform myself by looking at our exports.

Q. Well, do your ships come in here and report the state of things? You have a way of hearing these reports?—A. Sometimes they do.

Q. I believe the other day, in a newspaper published here called the Chronicle, it was stated that the mackerel fishermen (I think this was within four or five days) came in and reported that there was very poor mackerel-fishing in the bay.—A. There was very fair mackerel-fishing in the month of June, but lately I think that the mackerel-fishing has been slack.

Q. Well, you knew that fact; perhaps you saw it in the newspaper?—A. I just read it.

Q. Didn't that correspond with the information you had?—A. The information I got from our own people was that there was plenty of mackerel, but they didn't bite.

Q. Well, when I spoke of the mackerel I did not refer to what might be in the ocean.—A. I have peculiar views about the fish. I believe the mackerel are as abundant as ever they were.

Q. You don't think any of these causes that have been talked of have had any effect in diminishing the amount of mackerel?—A. It might be injurious to the fishing interests in some localities.

Q. But, on the whole, the amount of mackerel that the vessels can

get———A. I think, as a general thing, they are as abundant as ever they were, fish of every description.

Q. But when I speak of vessels coming in and reporting, I don't mean the number in the sea, because that they can't know much about, but I refer to the mackerel that they catch. The catches have been bad, have they not, for some weeks past?—A. I see by the papers that the catches have been light lately.

Q. Is not that according to your own observation of the reports you have received? That statement has not been contradicted to my knowledge.—A. No.

Q. Well, is it not true that, either from want of mackerel—I don't care how that is—or from their not biting, the catches have been light?—A. The catch has been light.

Q. Now, as to the transshipment of American cargoes, there has not been much of that done within the last few years in mackerel, has there?—A. There was no transshipment on the coast that I am acquainted with.

Q. Now?—A. No.

Q. What coast would that be?—A. From Scaterie to Cape North.

Q. Do you mean that there never has been any transshipment there, or that there is not now?—A. There is not now.

Q. When did that cease?—A. It was never carried on, I think, to any extent.

Q. It was never carried on but to a slight extent, and has that ceased? And as far as you know as to the rest of Nova Scotia and Cape Breton, has not the transshipment very much diminished of late years?—A. The transshipment, I think, is more from Prince Edward Island and the Strait of Canso.

Q. Well, we shall have witnesses who have lived there to speak on that point. I mean to speak of the coast that you are acquainted with, Halifax and its neighborhood, and that part of the Island of Cape Breton that you are familiar with. Has not the transshipment very much diminished?—A. I have said it was never done to a very great extent on the coast I am acquainted with.

Q. Taking what you know through your official position, your business, or your personal observation, is it not true that it has diminished?—A. You know the vessels that would come to Halifax, the American vessels, would not transship.

Q. Why not?—A. They are near home, and they would be off the fishing grounds. They would be far away from the fishing grounds. The object of transshipping would be to get back next day and catch more mackerel. Now, if they transshipped in Halifax it would take several days before they would get back to their former position. It would only take them a day or two more to get to the United States with the fish.

Q. It would not take them as long to tranship and go back as to go to the United States and return?—A. Well, they would not come here except on their way home.

Q. So from some reason or other it has not been done here from Halifax?—A. I do not think it is done here.

Q. Is there any other port on the coast of Nova Scotia or Cape Breton where it exists to a considerable extent to your knowledge?—A. The principal place where it would be carried on—of course I can only speak from report—would be Prince Edward Island and the Strait of Canso.

Q. Well, perhaps the Commissioners know as much about that as you do yourself, but where you know of, it is not done?—A. No. I mentioned

in my evidence that the vessels that frequented that coast would come in the months of August and September and October. They come to get fat mackerel, and whatever mackerel they would have in or catch they would then be on their way home. You know the mackerel clear out in the fall of the year, and the Americans follow them, and follow them from the north to the south, till they lose them on their home course. They don't tranship, because they are just like the mackerel themselves. They follow the mackerel and go home.

Q. Those are their best mackerel?—A. No doubt of it. The mackerel are getting better and better from July until they leave our coast. They get fatter and fatter.

Q. Is there any better mackerel anywhere than the mackerel caught off the coast of New England, say off Cape Cod, in November?—A. Those are our mackerel going south. They find our winter uncomfortable and go home.

Q. Don't they cease to be Dominion mackerel after going into our waters?—A. I should think they would.

Q. Well, now, the fat ones are not born here. They come up in the spring from the south, followed by the Americans, and go into the bay; you get them about Cape Breton in October and the first part of November; then they go south. Now I ask you whether there are any better mackerel in the world than the mackerel caught off Cape Cod in November. Your answer is that they are your mackerel?—A. Yes.

Q. Well, we have disposed of that as not being a well-founded claim; but irrespective of that question, are there any better mackerel than those that are caught there?—A. I believe they are the same mackerel that we catch about the latter end of October and the first of November—equally fat and good. But there is something about the history of mackerel—

Q. Perhaps that will not be necessary. Do you say that fresh bait is so much more adapted to the taste of the cod that it is almost impracticable to fish with salt bait?—A. Yes.

Q. Now, do you know how long it is since salt bait has been given up?—A. It would be always given up when you could get fresh bait to use.

Q. I would like to have an answer to my question. Do you know when they began to substitute fresh bait for salt?—A. I think there is more fresh bait used of late years than formerly.

Q. Don't you know that the Cape Cod fishermen use salt bait altogether on the Banks still?—A. They take clams with them.

Q. What else? My question was this: whether you did not know that the Cape Cod fishermen still used salt bait?—A. Not to my knowledge.

Q. You may have heard it. You know it from information, don't you?—A. It altogether depends upon where they fish.

Q. Well, I am speaking of the Banks. We will say the Grand Banks.—A. The Americans go down to Newfoundland in the winter and they use fresh bait there in the winter season.

Q. Now, I ask you the question, whether you don't know that they continue to use salt bait?—A. I say that depends upon where they are fishing.

Q. On the Grand Banks?—A. If they fish on the Grand Banks, I think it is likely they use a large quantity of salt bait.

Q. You have heard that was the case?—A. Yes.

Q. There were times when there was no fresh bait used for the cod, except what was caught on the Banks?—A. We always used fresh bait.

Q. Who do you mean by "we." Were your people fishing on the Banks?—A. No; there was no necessity for them.

Q. Then your answer is not an answer to my question. Now we have got the fact that you know very little about transhipment of cargoes, that you have heard that the Cape Cod people, for some reason or other, good or bad, use salt bait, and that formerly salt bait was used almost altogether for codfish, and the fact that it was not used by your people fishing for mackerel and out of boats has nothing to do with it. Now you say that when you were in the Dominion Parliament you opposed the Treaty of Washington?—A. I did.

Q. Did you suppose that treaty gave the Americans the right to buy bait in your ports?—A. I suppose it gave them pretty much all the privileges they enjoyed during the Reciprocity Treaty.

Q. Well, can you answer my question? Did you suppose that that Treaty of Washington gave the Americans the right to buy bait in British American ports?—A. I should think it did.

Q. Did you at the time you opposed it?—A. Certainly.

Q. Do you think that it gave them the right of procuring supplies?—A. Yes; just the same as they did during reciprocity.

Q. Do you think that it gave them a right to tranship? I don't mean merely that it acknowledged that right as existing, but that they obtained it under the treaty.—A. I think they had the right.

Q. You think they had the right before?—A. I don't know.

Q. Do you think the treaty gave it to them?—A. Yes.

Q. Then you suppose that the treaty gave it to them, and that they had not the right to buy bait, tranship their cargoes, and purchase ice and supplies?—A. No; without the treaty they could not do it, but with the treaty they could.

Q. The treaty gave it to them?—A. Yes.

Q. Did you know at the time you opposed the treaty that the treaty made provision for compensation, in case any was due?—A. I did. I did not think much of it on that account.

Q. Well, you thought you would not get anything, perhaps?—A. No; but that what we would get would be very little compensation for what we were giving away.

Q. Didn't you know there was a tribunal established to do justice on that point?—A. My argument was that I did not consider that any reasonable money compensation would be equal to us to the thorough protection of our own fishing rights.

Q. And the great advantage the Americans got from the treaty of buying bait, ice, supplies, &c., all these put together tended to make up your judgment, didn't they?—A. Yes. I looked upon their right to fish on our grounds as the really heavy objection that I had to the treaty.

Q. You did not want the Americans to fish on any of your fishing grounds?—A. No, indeed.

Q. On any terms, whatever money they would give you?—A. No; on any money consideration.

Q. Then you differed from the government that made the treaty?—A. Yes.

Q. You thought the treaty ought not to be made, didn't you, whatever terms were come to, tribunal or no tribunal?—A. I thought we should have received larger privileges from the Americans than we did.

Q. What privileges did you expect in return?—A. Well, what would be to the mutual advantage of the two countries, in my opinion, would be a general Reciprocity Treaty.

Q. Well, you were afraid the Washington Treaty would prevent a

Reciprocity Treaty; you thought the Washington Treaty would prevent or make less probable a general Reciprocity Treaty, didn't you?—A. In 1853 and 1854 our fisheries were protected, and then the Americans came seeking reciprocity. Now we gave them our fishing rights and we gave them all they wanted. I considered that would make them indifferent for reciprocity afterwards.

Q. Then you have given me the reasons instead of answering the question. I would like to have you answer it. You thought that the Washington Treaty, if adopted, would tend either to prevent or delay, or be an impediment in the way of a general treaty, didn't you? That was one of your objections—I do not say the principal one?—A. Yes.

Q. During the time you lived at St. Ann's you didn't yourself fish?—A. Not personally.

Q. You employed boatmen. Did you own the boats?—A. Some of them; but I supplied hundreds of fishermen.

Q. They were indebted to you, and you really owned the boats, didn't you? They could not pay for them?—A. They always owned their own boats.

Q. I thought you said you owned them?—A. O, yes; those I furnished with crews.

Q. You say those you employed to fish caught in your boats?—A. Yes.

Q. Now, during that time you were largely engaged in public affairs a great many years, were you not?—A. Yes.

Q. You were many years in the legislature of the province. You were in the House of Commons of the Dominion and in the Privy Council of the Dominion. That required your absence from home, didn't it?—A. Not during the fishing season. That was in the winter.

Q. But it required your absence from home. Your attention had to be given to public affairs. You had elections to look after?—A. Very few, fortunately.

Q. You always used to carry them. You always took the right side?—A. I was returned three times to the Dominion Parliament by acclamation. That was a pretty fair record.

Q. The majority of the voters were heavily indebted to you, were they not?

By Mr. Foster:

Q. As collector you can tell us about the pilot charges on American fishing-vessels, can you not?—A. The pilotage is under the department of marine and fisheries. There are commissioners.

Q. Don't you happen to know about it?—A. All we have to do is see that vessels produce their receipt. We have nothing to do with the collection.

Q. I want to know whether you charge a fee in Halifax on all the American fishing-vessels that come in?—A. That is a matter outside of the customs.

Q. Don't you see their receipts?—A. The receipts go up to the clearance office.

Q. Don't you know how it is? Don't you know whether the American fishing vessels that come in here are charged pilot fees?—A. I think they are.

Q. You know it?—A. There are commissioners of pilotage, and all the vessels that are by law subject to pilotage get their receipts before they go to the clearance office.

Q. Now, do you allow American fishing vessels to go out of this harbor without paying pilot dues?—A. I don't think it.

Q. You think they have to pay them?—A. Yes.

Q. Every one, whether he comes here in distress or not—whether for shelter from storm or anything else?—A. Our own vessels have to pay.

Q. I didn't ask you that, but whether the American fishing vessels had not to pay it?—A. Yes.

Q. What is the amount?—A. I don't know.

Q. You are at the head?—A. The pilot fees are not collected in our office at all. I don't know what it is.

Q. Is it done anywhere else except in Halifax?—A. There are certain pilotage regulations made and acted upon wherever they apply.

Q. Is it the practice in other harbors, in any of them, to charge fishing vessels pilot dues?—A. There are no regular pilots.

By Mr. Weatherbe:

Q. Mr. Foster has asked you with regard to American fishing vessels. Do you know of any pilotage regulations that are not common to all vessels, Canadian as well as American?—A. I do not. Certainly they apply to our own vessels as well as to others.

Q. They pay nothing more than our own pay?—A. Certainly not. If one of our own vessels would come in in distress—there was a steamer came in the other day and she paid the same.

Q. You know of no distinction?—A. We treat the American vessels according to the same regulations that we treat our own.

By Mr. Foster:

Q. Haven't you taken off these pilotage charges from Canadian fishing vessels this year?—A. The coasters are exempt.

Q. Haven't you exempted Canadian fishing vessels under that head?—A. I think there was an act passed last session that exempted them. Of course, Mr. Smith knows more than I do. The law gives the commissioners power to prepare certain pilotage regulations. These regulations are printed and are sent to the governor in council to be approved of. When they approve of them they become the law of the land.

Q. I do not doubt that it is done in the most regular and excellent way possible, but the result is that every American fishing vessel that comes in for shelter in distress has to pay pilot dues, and you take them off of your Canadian fishing vessels?—A. I think so.

By Mr. Weatherbe:

Q. The number of American fishing vessels that come in here is very small?—A. Very limited. They come here in the fall of the year, in the month of November. There is a large number that come in here on the way to Newfoundland and get supplied here.

Q. And in the other ports they frequent there are no pilots?—A. No. There are no pilots in the fishing ports. The pilotage is a matter outside of my duties altogether.

Q. You were speaking of the mackerel going south from your coast. About what time did you say it was?—A. From the 20th of October up to the 10th of November.

Q. They go south?—A. They clear away out of the bay altogether.

Q. Do you understand that they stop on the coast on their way south?—A. I have always understood from American fishermen that those were the fat mackerel that they caught on their own coast in the month of November.

Q. Do you know from the Americans where they are caught, inshore or off shore?—A. I could not say where they are caught.

Q. Do you know how long they remain?—A. They are gradually passing farther south. They only catch them on the way.

Q. You say the mackerel they catch in the latter part of October and in November is the same run of fish that you catch about Canseau and along there?—A. They are the fat mackerel we catch in the fall.

Q. You were going on during your examination to state the reason why the fresh bait was not used altogether on the Grand Bank?—A. A great many of the crews of the American cod-fishing vessels formerly belonged to our place. They run in there to get bait and see their friends at the same time.

Q. Well, but I am asking you why the fresh bait is not used altogether. Do you know why it is so? Have you been there?—A. Yes, I have been in Newfoundland several winters in succession.

Q. Carrying on the fisheries?—A. I had vessels there.

Q. Well, then, perhaps you are able to state whether fresh bait is used for codfish?—A. The American vessels come down there and get their mackerel [herring] frozen. They loaded right up. A certain quantity of that mackerel—this is, of course, from my conversation with the American captains—a certain quantity of that would be used by the vessels that went on the George's fishing in the winter. The rest that would not be required would go to the market and be used for fresh fish. I have seen several American vessels loaded with hard-frozen herrings.

By Sir Alexander Galt:

Q. It was herring, and not mackerel, you referred to a moment ago? You said "mackerel"?—A. I was mistaken. I meant herring certainly.

Witness explains that his information about pilotage may not be exactly correct, as it is a branch that is outside of his own department.

By Mr. Foster:

Q. You don't see the receipts for pilotage fees in the custom-house department yourself, but some person controlled by you sees those receipts?—A. He has a list of the vessels that are required to pay, and he sees that they have their receipts.

By Hon. Mr. Kellogg:

Q. The quality of the mackerel depends simply on the season of the year, not on the locality?—A. No; I think it depends on the locality. Late in the season they are always fat. The mackerel you take, say today, in the Gulf are fatter and better than those you find even on the coast of Nova Scotia. The farther you go north the fatter and better are the fish. They get fatter earlier the farther north you go.

Q. On a given day the fish farther north would be better than the fish farther south?—A. Yes.

Q. That is your view of it?—A. That is my view of it, and I know it is correct. I will tell you my reason. Americans come from the North Bay to our place and show us fish they have caught. It will be a fortnight or three weeks before our fish get as fat as those fish caught a little farther north.

By Mr. Foster:

Q. That is the early part of the season?—A. In the spring all the mackerel are Nos. 2 and 3; perhaps you might catch 3,000 barrels all No. 3, and you cannot catch Nos. 1 and 2 until late in the season, when they get fat. The Americans send them up here poor and they get fat.

## No. 53.

CHARLES CREED, residing at Halifax, general broker and secretary of the Halifax Chamber of Commerce, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You are secretary of the Halifax Chamber of Commerce?—

Answer. Yes.

Q. Have you been at any time engaged in the fisheries?—A. Not lately. I have been in years gone by.

Q. Did you fit out vessels yourself?—A. I did at that time.

Q. How long ago was that?—A. 18 years ago.

Q. Where did you fit them out to fish?—A. We fitted a great many vessels out for North Bay and Bay Chaleurs.

Q. Did you send the vessels out for the purpose of mackerel fishing?—A. Yes; mackerel fishing generally.

Q. What was the average tonnage of the vessels?—A. Generally from 40 to 60 tons.

Q. About how many barrels to the ton would such vessels catch?—A. We calculate that small vessels under 50 tons will take 9 barrels to the ton.

Q. And how much for vessels over 50 tons?—A. Vessels over 50 tons will generally run from  $9\frac{1}{2}$  to 10 barrels per ton. It depends on the build of the vessels. Vessels that are broader built than others will carry a little more fish. For vessels of 90 tons we calculate 10 barrels to the ton.

Q. Then a one hundred ton vessel would carry one thousand barrels if she got a full fare?—A. Yes.

Q. The vessels you fitted out were for fishing in Gulf St. Lawrence and Bay Chaleurs?—A. Yes.

Q. Did they generally get full fares?—A. That depended on the voyage they made. Some seasons were better than others, but our vessels generally got full fares.

Q. Where were the fares taken, close inshore or in the bodies of the bays?—A. All were taken inshore.

Q. Is there any fish, as far as you are aware, in the bodies of the bays?—A. I don't think so. I never understood so.

Q. I suppose you would be a good deal surprised if a person swore that the inshore fishery was good for nothing and the deep-sea fishery, outside, was very valuable indeed?—A. I never heard that.

Q. Would you believe it if you did hear it?—A. I would not think it possible. It might be so, but what I state is according to my knowledge.

Q. Take Bay Chaleurs; the fishing all along the shore there is within three miles of the coast?—A. Yes.

Q. Do mackerel, as a fish, inhabit, as a rule, the deep water or shallow water inshore?—A. I have always heard that mackerel is a fish that strikes inshore. When mackerel are in season they are inshore.

Q. How do you account for that?—A. I think the fish come inshore for the purpose of getting bait.

Q. They come to feed?—A. Yes; and when they have got food they go out. They come in the spring of the year quite poor and thin.

Q. According to your idea, they come to the inshore ground as a feeding ground?—A. Yes. In the fall they go away south.

Q. Are you aware of any fishingground, except the Banks, where

mackerel can be taken except inshore?—A. I never heard of any. My experience always led me to believe that except on Banks they could not be caught in deep water.

Q. The water is shallow on the Banks?—A. Yes; and there is feed there. They may stay on the Banks a little while when going in and a little while when coming out.

Q. In the spring they may be taken when passing over the Banks, and also in the fall when passing over the Banks?—A. Yes.

Q. That is the only deep-sea mackerel fishing?—A. I have always been led to believe that.

Q. You have not only had your own personal experience as an employer of schooners, but you have had a good deal of experience with mackerelers who come and trade with you?—A. Yes; I know all the men who go on voyages, and I generally have conversation with them about fishing.

Q. Did you ever understand from any one that the inshore fishery was not worth anything?—A. I always understood that the inshore fishery was the most valuable. The men have always said so.

Q. Did you ever hear of any person who did not consider it so?—A. No; they have a practice of luring the fish out. They grind their bait.

Q. Will you describe how they allure the fish out?—A. They come in, throw their bait out, and get the fish outside. They grind their bait at Port Hood and Canso.

Q. If they had not the privilege of coming inshore they could not allure the fish out?—A. They have to come inshore to do it.

Q. If the Americans were prohibited from coming within the three-mile limit, could they successfully carry on the mackerel fishery in the Gulf?—A. I don't think so; not from my knowledge of the facts.

Q. Could they carry on the fishery at all?—A. I don't think so. From what I have heard from men having knowledge of the matter I should not think so.

Q. Are you aware that since the Treaty of Washington the Americans have been in the habit of transshipping cargoes very much?—A. Yes; they have transshipped right along. They have been sending cargoes along from Canada by steamers to the States.

Q. Is that a valuable privilege?—A. I should think it is, because they have a chance of any rise in the market, and they can stop and fish while their cargoes are going forward. If they have fares of 300 or 400 barrels, they can tranship them and keep on fishing.

Q. Are you aware of the fact that they don't wait always in the bay to get full fares, but get as many as convenient, transship them, and go right back to the fishing ground?—A. Yes; I have heard it.

Q. Have you heard that they do not make a point to get full fares before they tranship?—A. I have heard of vessels having 300 barrels forwarding them. What their instructions were I don't know, but I have known that to be done.

Q. You say it is 18 years since you were engaged in fishing; during these 18 years, what has been the average number of American vessels in the Gulf fishing mackerel?—A. From what I have been able to gather, about 400 vessels.

Q. Some years there would be a great many more, I suppose?—A. Yes; I think there would be more some years.

Q. When you put the number at 400, is that a high or low average?—A. I think that is a fair average.

Q. That is mackerelers alone?—A. The American vessels which come down.

Q. For the purpose of fishing mackerel?—A. Yes; that is about the only business on which they come to the bay.

Q. Are you aware that some come down for cod-fish?—A. Yes; some do, but only a few. They generally go to the Banks for their cod-fish.

Q. There are codfish banks in the bay?—A. Yes.

Q. You put the American mackerelers annually in the Gulf at 400 as a fair average?—A. Yes. From what I have heard, talking with one and another on the subject, I suppose that is a fair average.

Q. What would be the average tonnage of those vessels?—A. The American fishing-vessels generally range from 60 to 80 tons—there may be a few over that. There are some large vessels, but the average will be about what I have stated. Of late years their vessels are a little larger than they were.

Q. You have said they would take from 9 to 9½ barrels to the ton?—A. Yes; you would have to deduct a little for American tonnage—one-fifth, I think.

Q. What would be a fair catch each trip for those vessels?—A. I think 400 barrels would be a fair average. Sometimes they would make three trips.

Q. And sometimes two?—A. Yes.

Q. Do you put 400 barrels as a low average?—A. That is considered to be a fair, moderate average.

Q. Then a season's catch would average at least 800 barrels?—A. That would be a fair average.

Q. You have had a good deal of experience about the matter, both practical experience as owner of vessels and from dealing with fishermen; is that your idea of the average catch?—A. That is my idea from conversations I have had with fishermen, and I have had a good deal of conversation with them. That is my opinion, based on what they have told me and on my own knowledge of the business.

Q. Since the Treaty of Washington the Americans have been in the habit of transshipping a great deal?—A. A good deal of fish is transshipped.

Q. You are aware that a good deal of cod-fish is caught by American fishermen in our waters along the shores of the Gulf?—A. Yes; I think on the Banks there is.

Q. To what Banks do you refer; the Banks off the coast of Nova Scotia?—A. Some off the Banks of the coast of Nova Scotia.

Q. Do you mean the Banks in the bay?—A. There are some Banks in the Gulf where cod-fish are taken, but I don't think the Americans carry on that fishing very extensively. The George's Banks form their principal fishing place for cod.

Q. What bait do the Americans use for that fishery?—A. They generally try to get fresh bait, if possible.

Q. What kind of bait?—A. They use herring and squid.

Q. Where do they get the bait?—A. They come into Prospect and get a great deal of bait there.

Q. How far distant is that place from here?—A. About 25 miles. They go in there for ice and bait.

Q. Have they done that during the last 8 or 10 years?—A. They go in there every year they come round.

Q. They get large quantities of bait there?—A. They get bait and ice. Some were there the other day.

Q. Do they come into Halifax for bait and ice?—A. They get very little here; they do not find it so convenient as the ports round the coast. They find if they come to a city they expend money on things which they could do without. Besides, they can keep the men better together if they do not come here. There is no inducement at Prospect to take the men away from a vessel.

Q. They generally go to the outports for bait?—A. Yes.

Q. Could the Americans carry on that cod-fishing without having the privilege of getting that bait?—A. I should not think so, because if they could get it elsewhere they would not come here for it.

Q. Have you ever talked with them or heard them speak on the subject?—A. I have seen American fishermen fitting themselves out with bait and ice.

Q. And without bait and ice they could not carry on the cod-fishery?—A. They must have bait; they could not do anything without it.

Q. Are you aware whether they fish for bait or buy it?—A. They buy the bait.

Q. If they were denied the privilege of buying the bait, they would either have to catch it or do without it?—A. They might use salt bait, but I do not think they would get as good a fare of fish.

Q. Is not salt bait entirely discarded for the purpose of cod-fishing?—A. We do not use any salt bait about here.

Q. Could fishermen using salt bait compete with those using fresh bait?—A. I do not think so. Fish will take fresh bait more readily than salt bait. If they have Hobson's choice, and are hungry, they will take salt bait.

Q. Then, if the Americans were prohibited from buying that fresh bait, they must necessarily fish for it, or do without it altogether?—A. Yes; unless they can get it from their own coast.

Q. They have not managed that yet?—A. They never did it, that I am aware of. No doubt at Canso they supply themselves with bait and ice.

Q. Before the Treaty of Washington, salt mackerel sent from here to the United States was subject to a duty of \$2 per barrel?—A. I think \$2 was the amount.

Q. Did the dealers in fish make as much money with the duty on fish as they do now with the duty removed?—A. Yes. The consumer, of course, has to pay the duty. There would be a proportionate price charged for the fish.

Q. Who do you say, in the case of mackerel, pays the duty?—A. It is like every article of commerce and merchandise; if a duty is put on, the consumer pays it.

Q. Are the best mackerel sent to the American market?—A. Our best fish go to the American market.

Q. And the poorer kinds go to the West Indies?—A. The Americans sometimes buy large No. 3. They are buying a great many of these just now; but, as a general rule, the heavy, fat mackerel go to the American market.

Q. Taking either the American coast or our coast, is not the supply of mackerel always limited?—A. I think so.

Q. If the Americans imposed a high duty on mackerel could they supply the demand from their own fisheries?—A. They never did it that I am aware of.

Q. Even when the fishing there was tolerably good?—A. No.

Q. Are you aware whether they have good or bad fishing there now?—A. The latest advices we have from the United States say that the

fishing is bad; that there has been a short catch. The price of fish has gone up \$1 per barrel.

Q. For years back, has there not been a short catch on the American coast?—A. There has not been an overcatch of mackerel in the United States for several years. They had a very good catch last year. This year it has been a bad catch; they say so themselves. We cannot now purchase fish enough for the demand.

Q. You say whatever duty they may impose the consumer pays it?—A. I judge that will follow.

Q. Would you, as a practical man, prefer the Americans, as a mere matter of money, excluded from the fisheries on our shores, and let them put on any duty on our fish entering the American market?—A. I could hardly give an opinion on such a broad subject as that.

Q. Does not your opinion that the consumer pays the duty, involve that?—A. I cannot give an opinion on that subject.

Q. You are quite prepared that they should impose a duty of \$2 per barrel?—A. We were quite satisfied when that duty was on; we made good sales and obtained good prices. There was no complaint; the fish sold readily. Practically, all the fish we send to the States is on order; very little goes on consignment. It does not do to ship mackerel or other fish on consignment to the States.

Q. Why?—A. Those who have tried it have always found it better to ship fish on order to the States.

Q. Are our mackerel—say No. 1 or No. 2—as good or better mackerel than those obtained off the American coast?—A. I think they are pretty much the same. Our mackerel are a little heavier, I think. There is a little difference in the dressing of them. When American fishermen dress mackerel they rim them, which makes them look whiter. Our people do not do that.

Q. What is the effect of rimming them?—A. It takes the black off the fins and makes the fish look whiter. The opinion among our people, however, is that the fish is not so nice when thus dressed.

Q. It makes the fish pleasant to the eye?—A. It makes the fish look better and more marketable. The American mackerel always bring more than our mackerel by half a dollar a barrel.

Q. Take codfish: is there a large quantity caught inshore along the coast of Nova Scotia?—A. Yes, a great deal of cod is caught off the shore.

Q. Within one or two miles of the shore?—A. Yes.

Q. All the herring taken on this coast are taken, I believe, within that distance off shore?—A. All herring, except fall herring, which go off to the Banks.

Q. The spring and summer herring are taken inshore?—A. They are almost all taken inshore.

Q. Is halibut taken within the limits?—A. They do not catch many halibut within the limits; they are generally taken on the Banks. Haddock are taken on near Banks, but come inshore sometimes. Pollock and haddock are inshore fish, and are generally found about rocks; they like to be in the sun.

Q. Are large quantities of herring taken on the coast of Nova Scotia?—A. Large quantities.

Q. Is the supply of herring practically unlimited?—A. There is generally a very fair supply of herring in the season.

Q. Are mackerel taken along the coast of Nova Scotia?—A. Yes; mackerel are taken very close in. The harbor is full of them now.

Q. And do they stay here all the season?—A. They go away in the fall. In the middle of October they begin to move off.

Q. Along the coast of Nova Scotia, I believe, mackerel are not taken outside of two or three miles of the coast?—A. No.

Q. It does not differ as regards that from the gulf and Bay Chaleurs?—A. No.

Q. Did any of your vessels ever fish in Gaspé Bay, or did they not go farther than Bay Chaleurs?—A. Our vessels generally stopped in Bay Chaleurs.

Q. Did the vessels go straight to Bay Chaleurs?—A. Yes.

Q. Is it the usual practice to go direct to Bay Chaleurs without stopping at Prince Edward Island?—A. Some vessels do and some do not. Some fishermen stop about the island and afterwards run up to the bay, but most of our fishermen go right up to Bay Chaleurs.

Q. Those which stay and fish about Prince Edward Island form the exception?—A. Yes.

Q. In other words, the Bay Chaleurs fishing fleet is a distinct fleet?—A. Yes. Some men, if they find the fish scarce in the bay, go to the island and endeavor to get them there.

Q. They give the bay the first chance?—A. Yes.

By Mr. Foster:

Q. How many years have you held your present position as secretary of the Halifax Chamber of Commerce?—A. I have been there five years.

Q. What did you do before that time?—A. I was at pretty much the same thing. We reorganized the chamber about five years ago. I had been keeping the Merchants' Exchange and Reading Room.

Q. Your chief business is having charge of the Merchants' Reading Room?—A. My chief business is that of a broker.

Q. A broker in anything?—A. In anything. I buy fish and send it to the States sometimes.

Q. Do you deal much in it?—A. Not a great deal.

Q. What sort of fish do you buy?—A. Sometimes mackerel.

Q. Do you buy codfish?—A. Very little cod.

Q. How much mackerel have you bought within the last five years to send to the States? Take first the present year.—A. I suppose 700 or 800 barrels a year would cover it.

Q. You went out of the fishery business 18 years ago?—A. Yes.

Q. What did you go into then?—A. I went into gold-mining.

Q. Had the fishing business been successful up to the time you left it?—A. Our business had been successful; 1857 was not a very successful year.

Q. How many years had you been in the fishing business yourself before you left it to go into gold-mining?—A. Four years.

Q. What were you in before that?—A. I was in the fishery business all my life. I was 16 years in Newfoundland supplying fishermen with goods. I was brought up in a fishing-house.

Q. As a clerk?—A. Yes.

Q. Had you been anything more than a clerk up to the time you came here?—A. No.

Q. And how many years ago did you come here?—A. Twenty years ago.

Q. Up to the time you left Newfoundland, 20 years ago, had American vessels been in the habit of coming there for bait?—A. Not there.

Q. Nor for ice?—A. Not while I was there.

Q. You never saw them there for that purpose?—A. No.

Q. Had they come there and trafficked for herring with the inhabitants?—A. At the part of the island where I was brought up nothing but American traders came. They took dried fish. I was brought up at Bonavista.

Q. They took dried fish?—A. All kinds of dried fish and oil.

Q. That would carry you back to 1859?—A. Yes.

Q. That would be during the existence of the Reciprocity Treaty?—A. Yes.

Q. How many years before 1859 had you known that trading business to have gone on there?—A. It was in 1848 I first went to serve my time at the business. At that time, when I was a boy, at that place and all down the coast the people expected the traders to come every year.

Q. Did they buy frozen herring in those days?—A. Nothing was known in those days of frozen herring.

Q. But American traders came there and bought the dried codfish from the fishermen?—A. Yes; from the inhabitants.

Q. Did they buy them from the planters or common fishermen?—A. From the common fishermen.

Q. What was the name of the firm with which you were engaged?—A. McBride & Kerr, a Scotch house.

Q. Was that trade by the Americans with the inhabitants very injurious to that firm?—A. I tell you we did not like it.

Q. It interfered with the business of the house in which you were employed?—A. We did not like it. It was also injurious to the fishermen, because if we found they traded with the Americans they did not get anything to eat that winter. That was all.

Q. Notwithstanding that disadvantage, they were glad to buy from people, were they not?—A. It cured itself in a few years. The Americans went to Labrador.

Q. Finally you starved the fishermen down to it?—A. These men were dependent on us in winter. They never came in with sufficiently good cargoes to pay up their accounts. It was not starving them to it, because they were people we had to look after. These firms take all the fish from the fishermen, and it matters very little whether there is a debit or credit, they get supplies in winter.

Q. They fed and looked after them I suppose, like a good planter in the South did his slaves?—A. They looked after the fishermen whose fish they bought.

Q. Those fishermen are still poor and dependent?—A. Some, the more industrious and careful, get above that position; but as a class they are pretty poor and dependent. They were afraid to trade with Americans, because the firms could starve them out if they did it; that is, they would not give them supplies. After we had supplied them with outfit and goods, they would sometimes, under cover of night, take their fish away.

Q. What time of the year did the Americans come?—A. About the beginning of August.

Q. At that time were the fishermen in debt?—A. Yes.

Q. And they were in debt through the winter?—A. We had always to carry a large amount.

Q. You will be surprised to find that since trade with the Americans had increased largely the fishermen of Newfoundland have grown better off?—A. I was this year at the place I have spoken of; I had not been there for 18 or 19 years. I found the people were in very much better circumstances.

Q. Did they have a frozen-herring trade there?—A. No; that was in the northern part of the island.

Q. After you left Newfoundland, you were four years in the fishing-business here?—A. Yes.

Q. During those four years how many fishing-vessels did your firm fit out each year?—A. For all places we fitted out, I think, about 150 or 200 vessels a year; that is, supplied them.

Q. Then did you not fit out the vessels as owners?—A. No; we were merchants and supplied fishermen.

Q. Were some of those vessels American?—A. They were all our own vessels.

Q. In the estimate you made of the number of American fishing vessels in the Gulf of St. Lawrence, to what years did you refer?—A. I referred to the last three or four years.

Q. What had been your means of knowing whether during those three or four years there had been 400 American mackerelers annually in the gulf?—A. I have had conversation with people from Canso and down that way, and obtained their ideas as to how many had passed through.

Q. We will take the last year, 1876, what is your estimate for that year?—A. I don't think under 300 vessels last year.

Q. In 1875, how many?—A. Pretty much the same.

Q. In 1874?—A. I think there were more vessels in 1874 than in 1875, or 1876.

Q. You think, in 1875 and 1876 there were 400 American mackerelers in the Gulf of St. Lawrence?—A. Yes, of vessels; I mean American vessels, all told. I have gathered my information from the people down there.

Q. If Mr. Thomson understood you to say there were 400 American mackerelers in the gulf each of those years, that is a mistake?—A. I mean 400 American vessels of all descriptions. The bulk, of course, were mackerel vessels.

Q. How much transshipping of fish cargoes have you known about yourself?—A. The way I come to know about that is by the steamers going from here to Boston. They call in at Port Hawkesbury and take fish there. All the fish coming there is American fish passing through to the States.

Q. When was the last occasion you personally were aware of American fishing vessels transshipping their cargoes?—A. I understand they do it this year. It came under my notice.

Q. Do you understand they did it as much last year as in previous years?—A. Yes.

Q. Then you don't regard the mackerel fishery as having fallen off in the gulf?—A. I don't think it has fallen off very much during the last two years.

Q. Has it within the last five or six years?—A. There was one year, about three years ago, when there was a short catch.

Q. You have never heard of a short catch since?—A. No.

Q. Your opinion is, that during the last four or five years the mackerel fishery done by Americans in the gulf has been as prosperous as it used to be, and about as much fish has been caught?—A. Pretty much about the same.

Q. Do you think American vessels, for the last four or five years, have averaged a catch of 800 barrels a season?—A. I think they have on an average.

Q. You think an average catch of 800 barrels to 400 vessels?—A. I think so. From all I can gather I should think so.

Q. Have you had any great opportunity or made it your business to ascertain the facts in that matter?—A. I have asked one and another and people engaged in the trade down that way.

Q. And that is the result?—A. That is the result.

Q. About bait for codfish; did you, when in Newfoundland, know anything about American cod-fishing on the Banks?—A. I did.

Q. How did you happen to know about that?—A. That was when I came to live at St. John's.

Q. When was that?—A. About 1850, I think.

Q. When you were in St. John's did American cod-fishermen use fresh bait on the Banks?—A. They generally went down to the Bay of Islands and got their bait.

Q. Where is that?—A. On the northwest side of the island.

Q. In 1850 they went there?—A. They used to go there and get herring bait.

Q. Frozen herring?—A. Yes.

Q. Did they, at that time, get squid or any other fresh bait?—A. They used to go a little further up, nearer St. Pierre, for squid.

Q. Off the island of St. Pierre?—A. Off the coast of Newfoundland, and the fishermen there sold them squid.

Q. They began that business so long ago as 1850?—A. Yes.

Q. The Americans bought herring also?—A. Yes.

Q. What year did you come to Halifax?—A. About 1856.

Q. Was this trade in buying herring and bait going on from 1850 to 1856?—A. Yes; in the same way.

Q. Did you know about the practice of American cod-fishermen? Were you aware that they used salt clams very largely?—A. I knew they used salt clams when they could not get anything else.

Q. Did you not know that some American cod-fishermen never used anything but salt bait—take those from Provincetown for instance?—A. I knew those from Provincetown used salt bait, but I thought it was only when they could not get fresh.

Q. You never knew that the cod-fishermen from Provincetown and Beverly never used fresh bait but always salt?—A. I understood that when they could not get fresh bait they used salt bait. I did not understand they depended solely on salt bait.

Q. You were in business a little while under the Reciprocity Treaty?—A. Yes.

Q. And have not been since?—A. No.

Q. But you know the condition of things in the interval between the Reciprocity Treaty and the Treaty of Washington, do you?—A. I was only a short time in Halifax under the Reciprocity Treaty, and it made very little difference in Newfoundland. I came here in 1856.

Q. You know about the Reciprocity Treaty from 1856 to 1860?—A. Yes.

Q. You were living here then?—A. Yes.

Q. You know when the Treaty of Washington was passed?—A. Yes.

Q. The imposition of the duty after the Reciprocity Treaty was liked very much by your people; they found it a very good thing, and it contributed to the prosperity of the fishing interest?—A. I don't think it injured them any.

Q. Which are the chief fish-houses in Halifax?—A. Reuben I. Hart, Allan H. Crowe, Robert Boak & Sons, James Butler & Co., John Taylor & Co., Bremner & Hart, James F. Phelan & Co., George P. Black, F. D. Corbett & Co., J Taylor Wood, M. C. Morgan.

Q. Does Mr. Morgan do a pretty large business?—A. He buys a great deal here.

Q. Is it not a leading house?—A. I don't know about its being one of the leading houses. There are also A. G. Jones & Co., Levi Hart, W. E. Boak, Lawson, Harrington & Co., Daniel Cronan, West & Bordon, J. T. & A. W. West, John Taylor & Co.

Q. Is there a man named Glazebrook?—A. He is only a vendor of fish, who buys from the fishermen and sells in the market.

Q. Who is William Hays?—A. Another of these men.

Q. And Mr. Beazley?—A. A fish merchant who sells in the city, and buys salmon in the spring and sends it to the States.

Q. Are we to understand it is your opinion that all the mackerel, so far as you know, are caught inshore, except occasionally?—A. Yes, that is my opinion.

Q. Do you know anything about Bank Bradley?—A. No, I don't.

Q. Do you know where it is?—A. I never heard of it.

Q. You have heard of the Magdalen Islands?—A. Yes.

Q. Were you ever there?—A. No.

Q. Do you know where they catch fish there?—A. They take them inshore—all inshore.

Q. And in regard to the Gulf of Saint Lawrence, you think the Americans never catch mackerel in the body of the gulf?—A. No, that would be impossible I think.

Q. When you speak of the bay to what do you refer?—A. I have reference to Bay Chaleurs, and about Gaspé and Shippegan.

Q. Where do they catch mackerel at Gaspé?—A. They do not catch much mackerel at Gaspé. They generally catch cod there. The mackerel is principally caught off Prince Edward Island.

Q. What is the size of Prince Edward Island?—A. I don't know.

Q. Do you know the length of the north coast within 50 or 100 miles?—A. I don't know.

Q. Did you ever make a fishing voyage yourself?—A. No.

Q. Do you know anything about the use of seines for catching mackerel?—A. No, I never used them.

Q. Personally you never used a hand-line except for amusement?—A. No, except for the fun of the thing.

Q. You don't know anything about seine fishing?—A. No.

Q. You don't know whether, when seines are used, vast quantities are taken?—A. They catch mackerel with seines at Prospect.

Q. Where is Prospect?—A. 25 miles from here, westward.

Q. Do you know if seining for mackerel is chiefly done inshore?—A. It must be done inshore or pretty near the shore. All that is done about here is inshore.

Q. Why must it be done inshore?—A. They generally shoot them about the coves.

Q. You don't mean purse seines?—A. I don't know anything of purse seines. I have only heard of them.

Q. Your personal information, then, is all eighteen years old?—A. I have always been in communication with fishermen.

Q. There is here no merchants' exchange, except as the name of reading-room?—A. There is a stated exchange; they meet there every day.

Q. It is a private reading room, with subscribers?—A. They meet at a stated hour every day—twelve o'clock.

Q. How long is it since they began to meet regularly at noon?—A. They made another commencement this week.

Q. It is rather a lingering affair; it has not been what you call a really prosperous institution?—A. The people don't happen to go into it very well. They meet at the insurance offices and the banks, and they don't fall into the thing very well.

Q. Then, although you are secretary of the chamber of commerce, that is not a very large portion of your business?—A. No.

Q. You would not make much of a living out of the office?—A. No. If it pays expenses that is all I care about.

#### No. 54.

JOHN DILLON, fish merchant, and formerly fisherman, residing at Steep Creek, Strait of Canso, Guysborough County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe :

Question. You were formerly a resident at Whitehead, I believe?—  
Answer. Yes.

Q. And your father kept the light-house there?—A. Yes.

Q. For how many years, do you recollect?—A. The light-house was built in 1857, I think. My father took charge of it and kept it until his death, nine years ago, when my brother took charge, and has it yet.

Q. When did you remove from there?—A. It will be two years in December next.

Q. You have been doing a small business in the Strait of Canso since?—  
A. Yes.

Q. And you happen to be now in Halifax getting supplies?—A. Yes.

Q. Do you know Mr. John Maguire?—A. Yes.

Q. He was here and gave evidence before the Commission?—A. Yes.

Q. Did you see him before he came up?—A. Yes.

Q. And were at his place after he returned?—A. Yes.

Q. Did you see some American fishing vessels in the strait before you came up here?—A. Yes.

Q. Some vessels that had gone home and come back?—A. Yes.

Q. Do you know about how many?—A. There were three I am sure of which had come back. I only know the name of one.

Q. Did you converse with the people on board?—A. Yes.

Q. Had they gone home with full fares?—A. Yes, I understood from them they had had full fares.

Q. They returned and are out in the bay fishing for the second trip?—  
A. Yes. There is one at Maguire's wharf, which returned after he was here to give evidence. The schooner is called Eastern Queen.

Q. Did Mr. Maguire find that vessel there when he went home?—A. I think two or three days afterwards.

Q. A day or two after he returned home he found this vessel on its way back to the States; to what port did she go?—A. To Gloucester.

Q. This was the Eastern Queen?—A. Yes.

Q. How long had they been in the bay?—A. About a week, I think.

Q. These three vessels, to your own knowledge, have gone home this season with full fares, and come back to fish here again?—A. Yes.

Q. Did you learn from them how the fisheries were on their own coast this year?—A. I understood that fish were pretty scarce on their own coast, thus causing them to come down here to the bay.

Q. You have no wharf of your own, and you do not trade with the Americans yourself?—A. No.

Q. You simply trade with the country people?—A. Yes; that is all. Formerly, at Whitehead, I traded with and furnished bait and ice to American vessels.

Q. Were they codfishing vessels?—A. Yes.

Q. Were you fishing there?—A. I fished one season.

Q. Was that in 1867?—A. Yes.

Q. Were you on a large or small vessel?—A. I was on a small one.

Q. Was she an American vessel?—A. Yes.

Q. Were you mackerel fishing?—A. Yes.

Q. Do you know anything about any man-of-war being on the coast at that time?—A. Yes.

Q. Was this vessel after you at all?—A. Well, these vessels were not after us exactly.

Q. Were they after vessels which violated the treaty?—A. I suppose that was what they were for.

Q. Was your captain at all anxious in this regard?—A. Yes.

Q. Did you keep out of the way of those vessels?—A. We used to keep on the lookout for them.

Q. Why?—A. In order to save our vessel and what was in her.

Q. What was the name of this American vessel?—A. The Swan.

Q. What was the captain's name?—A. Rich.

Q. You kept on the lookout for that man-of-war?—A. Yes.

Q. How did you distinguish her?—A. I do not know as I could myself exactly state how this was done.

Q. Perhaps you were not on the lookout for her?—A. No, I was not.

Q. Who was the person on board of your vessel that was able to distinguish her?—A. The captain and some three or four others.

Q. Did the captain know what vessel the steamer was?—A. He knew that she was a man-of-war.

Q. And you say that he kept out of her way?—A. Yes.

Q. Why did he do so?—A. For fear of being taken if he was found fishing inside of the limits.

Q. Were you working on shares?—A. Yes.

Q. Were you also not afraid of the vessel being taken?—A. I was, certainly; but I had nothing to be afraid for, save only my time. The captain owned part of the vessel, and I suppose that this made him more anxious than the rest of the crew about the vessel.

Q. Where did you catch your fish?—A. Off Port Hood and Margaree.

Q. How far from the shore?—A. Some days we fished within one mile of the shore.

Q. Why did you not catch all your fish out in deep water, beyond the limits, and then you would not have been afraid of any vessel?—A. We could not get any fish out there.

Q. Within what distance of the shore did you catch your fish?—A. We caught the heft of them not farther off than a mile and a half from the shore.

Q. And where did you secure the balance?—A. Some of them we got farther out.

Q. Were you always on the lookout for the steamer mentioned, from the time you went out to fish until you obtained your fare?—A. We were.

Q. During the whole time this was the case?—A. Yes; while we were fishing inshore.

Q. Did you from time to time get reports respecting the position of

this steamer?—A. We used to understand that she was most of the time about Prince Edward Island.

Q. You used to find that out from other vessels?—A. Yes; there were other vessels which fished inshore as well as our own. We were not the only ones who did so.

Q. To what nationality did these other vessels belong?—A. They were principally American vessels.

Q. Schooners?—A. Yes.

Q. Did they fish in the same place where you did?—A. A great many of them did so.

Q. Were they on the lookout like yourselves?—A. I should think so; they had the same cause to do so.

Q. Where did they get the most of their fish?—A. Inshore, the same as we did.

Q. This was the only year when you were out fishing?—A. Yes.

Q. And you were on an American vessel, and only out for one trip?—A. That is all.

Q. What was the size of this vessel?—A. About 40 tons, I think; I cannot speak positively on this point.

Q. Were you born at Whitehead, and did you live there until you went to the Strait of Canso?—A. I was not born, but I lived there.

Q. Did you live there from an early period in your life?—A. Yes; I was pretty young when I went there in 1857.

Q. And you lived there until you went to the Strait of Canso?—A. Yes.

Q. Where did you come from to that place?—A. The town of Guysborough.

Q. And as far back as you can recollect, from the time when you went to Whitehead, did you see these American vessels passing?—A. Yes; I have so seen them during the whole time that I lived there and ever since I can remember.

Q. In what numbers did they pass?—A. I am sure that I have seen as many as 200 sail, at least, passing during one day; but, of course, this was not very often.

Q. These vessels were passing your coast?—A. Yes.

Q. And would you constantly see them passing during the fishing season?—A. Yes; but not always in the number I stated.

Q. Would you see them when they first came on the shore, coming up towards the strait?—A. We would constantly see them, whether they were coming up or going down.

Q. And you recollect having seen 200 American vessels passing in one day?—A. Yes.

Q. How would you know that they were American vessels?—A. We could always tell very easily by the appearance of the vessels whether they were Americans or coasters; we could do so by the look of the vessels and their sails. American vessels are of a very different build from our coasters.

Q. Down to what period were you in the habit of seeing them pass there?—A. They would come on the coast about the last of March, and then we would constantly see them passing until November—along about the 20th of that month.

Q. Were you in the habit of seeing and conversing with persons who were on board of these vessels?—A. At Whitehead? Yes.

Q. And constantly?—A. Yes.

Q. Did you ever see any American vessels anchored in any of our harbors?—A. I did at Port Hood, the year I was there.

Q. How many did you see?—A. We judged that there were 300 in the fleet which was at that place.

Q. Was that considered to be the whole of the American fleet then in the bay?—A. No.

Q. What proportion of this fleet was it?—A. It would not be one-half of it. There would be a lot of them up at Prince Edward Island and the Magdalen Islands.

Q. Was this the opinion of the Americans themselves?—A. Yes.

Q. What would you think would be a fair average per trip for their catch?—A. This would depend on the size of the vessels and the number of the men on board.

Q. Would they usually take full fares, or was this unusual?—A. They usually obtained full fares.

Q. Each trip?—A. Yes.

Q. How many trips a season have you known them to make?—A. Four is the greatest number I have known.

Q. Where would they take the mackerel which they caught?—A. They generally send two trips home, and go home with a trip themselves in the fall, when through fishing.

Q. How many would they take home when they made four trips?—A. I think that one vessel which made four trips took two of them home.

Q. What was her name?—A. I do not exactly know it.

Q. How do you know anything about her?—A. I know of her through hearing of her in the Strait of Canso.

Q. Did you see the vessel yourself?—A. No.

Q. How did you learn anything about her?—A. I did so from men who had been on board of her.

Q. How long ago was this?—A. I think that it was in 1868, or along about there.

Q. And the American vessels which came to fish in our waters usually filled up every trip?—A. Yes.

Q. And it was an unusual circumstance, when this was not the case?—A. Yes; in those years.

Q. How many trips a season would the majority of the American vessels make?—A. About three.

Q. How many trips would they carry home themselves?—A. I think none save the last trip in the fall.

Q. Have you seen as many American fishing-vessels on the coast recently as formerly?—A. I think that there are as many as used to be the case on our coast this year.

Q. What has been the case previous to this year?—A. During the last two years there were not so many as there are this year.

Q. Have the American fishermen told you that their own fisheries were not good this year?—A. Yes.

Q. I understand you to say that you did business before you went to the Strait of Canso?—A. Yes; at Whitehead.

Q. For about how many years did you do business there?—A. About five. I kept men fishing besides.

Q. Were you in the habit of seeing American fishermen at that time?—A. Yes.

Q. Who bought bait and ice from you?—A. The Americans.

Q. American cod-fishers?—A. Yes.

Q. How often during the season would they come in from their fishing grounds for bait?—A. On their way down from Gloucester, quite a number of them called in there; they obtained more of bait than of

ice; some would require ice when coming from home, and others would not; but all would then want bait.

Q. How long did they remain on the fishing grounds before they came back to refit?—A. Some ten days.

Q. And would they then return to the grounds?—A. Yes.

Q. And would they come in again after about the same length of time as you have mentioned had elapsed?—A. Yes; they did so until they had obtained their trip.

Q. What would they do with their fares?—A. These they took home.

Q. Where would they go when they took their fares home?—A. To Gloucester, I suppose.

Q. Would they come back again to the fishing grounds?—A. Yes.

Q. When you spoke of the number of trips, I understood that you referred to mackerel-fishing vessels?—A. Yes.

Q. And when fishing for cod they would return to the grounds?—A. Yes; unless cod-fishing vessels were preserving their fish fresh in ice, they would not make four trips during the summer season. These vessels are generally large, and they come up to remain a couple of months or so at a time.

Q. How many trips would they make for cod?—A. Usually about three.

Q. And how often each trip did they come in for bait?—A. Some vessels may so come in from six to eight times during a trip.

Q. For bait and ice?—A. Yes.

Q. They would not come in that way often?—A. No; some would not come in more than 3 or 4 times.

Q. A trip?—A. Yes; some vessels fish between Sable Island and Whitehead, and they come in frequently for bait and ice.

Q. These vessels are within a few hours' sail of the place?—A. Yes; between Sable Island and Whitehead lies what is called the Middle Ground.

Q. About how many cod-fishing vessels would procure bait and ice at Whitehead alone?—A. Scarcely a day passed from the time when they came on the coast in the spring, until, say, the 20th of November, or the middle of November, but there were from 3 to 20 vessels in for that purpose.

Q. You refer to cod-fishers alone?—A. Yes.

Q. Is this also the case at the place where you are now, at Maguire's wharf? Do cod-fishers resort there?—A. Yes, but not for bait. This is a place where bait is not taken.

Q. For what purpose do they come there?—A. For other supplies.

Q. Are you acquainted with any other place where they obtain bait?—A. Yes; they get it at Canso, Little Canso, and St. Peter's.

Q. Do American vessels so come in there in as large numbers as at Whitehead?—A. I think so.

Q. Did the Americans consider it necessary, in order to make successful fishing voyages, to come inshore for mackerel?—A. Yes. I know that the captains who got bait at Whitehead were very uneasy while their vessels were laying there, for fear that the cutters would fall in with them.

Q. During the period you so supplied them, the captains were very uneasy?—A. Yes; I am positive about that.

Q. Why was this the case?—A. They feared lest the cutters would come in and seize their vessels.

Q. And still they ran the risk?—A. Some did so, and some laid to off

the coast, sending dories in among the fishing boats, and buying bait from the fishermen.

Q. Was it their practice to purchase or catch bait at that place?—A. Some of them set nets and caught bait; but as a general thing they did not do so.

Q. Of what period are you now speaking?—A. I am referring to the last six or seven years.

Q. Of what vessels were the Americans afraid when they were obtaining bait?—A. They were chiefly afraid of Captain Tory.

Q. What revenue cutter did he command?—A. I think he was on a vessel named the *Ida E.*

Q. Did he capture any American vessels?—A. Yes.

Q. Where?—A. He did not do so at our place, though he came very near it. I do not know whether he was aware of this fact or not.

Q. Would you have any conversation with Americans when they saw the risk to which you have alluded or sent in dories for bait?—A. Yes.

Q. Would they admit to you that they were then committing illegal acts?—A. Yes; some of them did so.

Q. Did you ever mention these circumstances to Captain Tory?—A. No; I did not. I never but once saw Captain Tory when in the service.

Q. Did you mention them to any one?—A. No; the inhabitants and fishermen generally were acquainted with them as well as myself.

Q. Was it understood that these people would keep dark about it? Were they friendly to the Americans?—A. The most of them were friendly to the Americans.

Q. Would they be likely to mention those facts to Captain Tory or others?—A. I dare say that there might be some among them who would have done so.

Q. How did you know that the Americans were afraid of Captain Tory or of any one else?—A. I have heard them say that this was the case.

#### No. 55.

THURSDAY, September 6, 1877.

The Conference met.

MAESHALL PAQUET, farmer and fisherman, of Souris, P. E. I., was called on behalf of Her Britannic Majesty, sworn, and examined.

By Mr. Davies:

Question. Are you a native of Prince Edward Island?—Answer. I was born there.

Q. Are you acquainted with the fishing business?—A. Yes.

Q. How long have you been acquainted with it?—A. From 1860 up to the present time.

Q. When did you enter the fishing business?—A. In 1860.

Q. Did you fish on board of an American vessel that year?—A. Yes; I was on the *Morning Star*.

Q. Where did she sail from?—A. Castine, or North Haven, Maine. The vessel sailed from Castine, but was owned, I believe, in North Haven.

Q. Do you remember her captain's name?—A. It was Frank Thomas.

Q. Where did you go to fish in 1860?—A. In the bay, and the Bay of Chaleurs.

Q. You mean the Gulf of Saint Lawrence?—A. Yes.

Q. What did you catch that season?—A. We caught about 450 barrels of mackerel.

Q. How many trips did you make?—A. Two. I shipped from Souris, P. E. I.

Q. Do you remember how many sail of American vessels were then in the bay?—A. Yes; there were about 500.

Q. Did you go fishing next year?—A. I did not fish for mackerel the next year.

Q. Did you go fishing in 1862?—A. Yes.

Q. In what vessel?—A. The Maria W. Dodger, of Gloucester.

Q. What was the name of her captain?—A. Joshua W. Dodger.

Q. How many trips did you make?—A. Two.

Q. How many barrels of mackerel did you catch?—A. About 475, I think.

Q. Were there many American vessels in the bay that year?—A. Yes; a good many.

Q. How many?—A. About 500.

Q. Was your catch that year above or under or about the average?—A. It was a little above the average.

Q. Do you consider that 450 barrels would be the average that year?—A. I think that 400 barrels would be over the average.

Q. I refer to the catch for the season?—A. The average would be over 300. I could not give it exactly.

Q. Do you know what it really was? Did you take steps to inquire particularly with reference to it?—A. No, I have not.

Q. Did you fish in 1863?—A. No, not in a vessel. I was boat-fishing that season.

Q. What did you do in 1864?—A. I then shipped from Gloucester in the schooner S. A. Parkhurst, Captain George Smith.

Q. What did you take that year?—A. 950 barrels of mackerel.

Q. In the Gulf of St. Lawrence?—A. Yes.

Q. How many trips did you make?—A. Three.

Q. Then you must have transshipped?—A. We landed two trips in the Strait of Canso, and shipped them.

Q. Were there many American vessels in the bay that year?—A. Yes, a great number.

Q. How many were there?—A. Over 600, I think.

Q. Was your catch of 950 barrels that year about, or over, or under the average?—A. I think that it was a little over the average.

Q. In what vessel did you go in 1865?—A. I was for a short time in the schooner Jane, of Souris, P. E. I.

Q. What else did you do that year?—A. I was boat-fishing.

Q. But you went for a little while in the schooner Jane?—A. Yes.

Q. Did you go fishing in any vessel in 1866?—A. Yes; I was in the schooner Lettie, of Charlottetown, P. E. I.

Q. What did you take in her?—A. 550 barrels.

Q. Were there many American vessels in the bay in 1866?—A. Yes, a great many.

Q. At what number would you put them?—A. I could not give any different number for this year than for previous years.

Q. There were then about 600?—A. There were 500 or 600 in the bay.

Q. Did you go fishing on a vessel in 1867?—A. No; I then, and afterwards, fished in boats.

Q. I understand that during 1860, 1862, 1864, 1865, and 1866 you fished in vessels in the bay?—A. Yes.

Q. And that three of these vessels were American bottoms?—A. Yes.

Q. I now want you to tell the Commission what proportion of the mackerel caught in these vessels during the years you were fishing in

the Gulf of Saint Lawrence were taken within three miles of the shore!—A. I would say that fully three-quarters of our mackerel were so taken.

Q. Do you think that you can be at all mistaken about this!—A. Taking every year into consideration, I do not think that this is possible. In 1864, I think I may say that seven-eighths of our 950 barrels of fish were taken within three miles of the shore; yes, and perhaps within two miles of it.

Q. Then, taking the whole of your fishing experience into consideration, you would say that at least three-quarters of the fish were caught within three miles of the shore!—A. Yes; that at least.

Q. Will you kindly state in what portions of the bay you fished? Did you fish much about Cape Breton!—A. Yes.

Q. Whereabouts!—A. Near Margaree, Cheticamp, Broad Cove, and Limbo Cove.

Q. As to the shores of Cape Breton, am I right in saying that all the fish are taken within three miles of the coast!—A. All I ever saw taken there were so caught.

Q. I understand that a large portion of the fish there is taken within one mile of the shore. Is that a fact!—A. Yes; we got one trip, in the S. A. Parkhurst, perhaps within half a mile of that shore.

Q. At what distance from the Cape Breton shore would you state in evidence that the fish are, as a rule, taken!—A. As a rule, they are caught within  $1\frac{1}{2}$  miles or 2 miles of it.

Q. About what parts of Prince Edward Island have you fished!—A. I have fished all around it, on the northern and southern parts.

Q. You have chiefly fished, I believe, on the north and east of the island!—A. Yes.

Q. At what distance from the shore are the fish taken off Prince Edward Island!—A. Well, between  $1\frac{1}{2}$  and  $2\frac{1}{2}$  miles of it.

Q. Are there a very large number of boats engaged in the prosecution of the fishery along the shores of Prince Edward Island!—A. Yes; a great many.

Q. Do they all take their fish within 2 or 3 miles of the shore, or do they go out beyond this distance to fish!—A. I do not think that any boats fish for mackerel outside of two miles from the coast.

Q. And from year to year while boat fishing, have you seen vessels fishing there!—A. Yes.

Q. Do American vessels come inside of three miles from the shores of the island to catch fish!—A. Yes; they come among the boats.

Q. Is their presence among the boats a benefit or an injury!—A. It is decidedly an injury.

Q. Have you fished along the west coast of New Brunswick!—A. Yes.

Q. Are the fish caught within about the same distance from the shore there as is the case off Prince Edward Island!—A. They are there taken about  $2\frac{1}{2}$  or 3 miles from the shore, in shoal water.

Q. I understand you to say that you have fished in the Bay of Chaleurs!—A. Yes.

Q. Did you do so for more than one season!—A. I fished there one season in particular.

Q. Were you there afterwards!—A. I was there during three years.

Q. Will you kindly tell the Commission where the fish are taken after you get into the Bay of Chaleurs!—A. They are caught off Shippegan, Caraquette, and the coves along the coast.

Q. I speak especially with reference to distance from the shore!—A.

They are taken within one and a half miles, and sometimes within half a mile of the shore.

Q. And not in the center of the bay?—Not as a general rule, though a few may be caught there. Usually they are taken close to the shore.

Q. How far from the shore are they taken above the Bay of Chaleurs, along the south side of the river St. Lawrence?—A. Perhaps within 150 yards of it.

Q. I understand that all the mackerel taken on the south side of the Gulf of St. Lawrence are obtained within one mile or two miles, at the outside, from the shore; is that the case?—A. Yes; it is the fact.

Q. Have you fished near Seven Islands?—A. No.

Q. Have you fished at all, or tried to fish, on Banks Bradley and Orphan?—A. Yes.

Q. Perhaps you will tell the Commission what was the result.—A. I was there in the schooner Morning Star, and we remained on Banks Bradley and Orphan for five or six weeks—this was in 1860—but we got no mackerel worth mentioning. We did not catch two barrels during the whole five or six weeks.

Q. What did you then do?—A. We ran over to Prince Edward Island, close to North Cape, and fished. We got 450 barrels of mackerel that season between the West Shore and Prince Edward Island.

Q. Have you had any conversation with American captains with respect to these fisheries and where they catch the fish?—A. I have heard them talking. There is the year 1866. I knew different captains from Gloucester, and would meet them and ask them how they got along and how many mackerel they caught, and they wou'd say they did very well every chance they got to go inshore, but it was no use outside, they could not get any mackerel. I believe that was in 1866.

Q. Was it 1866, 1867, or 1868?—A. 1866, I think.

Q. Was it after the treaty expired?—A. Yes.

Q. Do you remember the cutters being present for the protection of the fisheries?—A. I do.

Q. Can you state to the Commission what effect their presence had on the American fleet catching mackerel?—A. Wherever the cutters would be the fishermen would not fish inside the three miles at all.

Q. Would they evade the cutters?—A. Yes.

Q. How?—A. They would run away.

Q. Then the presence of the cutters did not result in keeping them clear altogether?—A. By no means.

Q. You can't be sure about the year this took place, but you say it was after the treaty expired?—A. O, yes.

Q. Have you had any couversation with the American captains with respect to these cutters?—A. I had. They said they could not do anything while they were round. It was no use. There was no fish except around the shore, and all they could do was to get a chance to fish when they were out of the way.

Q. Suppose you heard an American captain say he caught seven-eighths outside and that the inside fishing was no good.—A. I would not believe him.

Q. Could any American vessel catch a fare of mackerel if she was absolutely prohibited from coming within three miles?—A. Not in my opinion.

Q. Have you any doubt?—A. They could not get any at all.

Q. There is no doubt about that?—A. They might get a few, but not a trip.

Q. I believe some catches have been made on Banks Bradley and Orphan.

phan!—A. They have in 1858 and 1859. I had a brother in the Morning Star, the same vessel I was in in 1860. He got two trips there that year on Bradley; that was in 1858 or 1859.

Q. Is that a rare thing!—A. It is very rare.

Q. And practically, according to your opinion, all the fish are taken within three miles of the shore!—A. Yes.

Q. You have not fished in American waters!—A. No.

Q. Do you know of any of our vessels going there!—A. I have of one. Her name was the Lettie.

By Mr. Foster:

Q. Where have you taken mackerel more than three miles from the shore!—A. I can scarcely tell you. I have taken them on Green Bank and off Magdalen Islands.

Q. More than three miles from shore!—A. Yes.

Q. Any other place!—A. Off Perce. There is a bank there about nine miles off. We get some fish there sometimes.

Q. What other places!—A. We get a few between the Magdalen Islands and Prince Edward Island; not a great many, but we might get a few as we go across.

Q. What other places!—A. We have caught them between Cape George and Souris. We have caught a few there on what we call Fisherman's Bank.

Q. How far out!—A. About ten miles. (Witness points to the place on the map.)

Q. Now are there any other places!—A. On Bradley Bank; I have caught two barrels of mackerel there.

Q. That was in 1860!—A. Yes, sir.

Q. It was the year before, or two years before, that your brother was in the same schooner which made two fares!—A. Yes, chiefly off there.

Q. That was the reason why the captain hung so long on that Bank!—A. He was not master of the vessel before then, but he was in the same vessel.

Q. He went back to the same vessel in which he had been successful the year before!—A. Yes.

Q. Is there any other place!—A. In the bend of the island I dare say we get a few on the north shore.

Q. Now, what is the farthest out from the shore that you have caught them at the bend!—A. About five miles, I think.

Q. Are there any other places that you remember!—A. Not that I remember.

Q. In the Bay Chaleurs did you ever take any in the body of the bay!—A. I did, but not outside of three miles.

Q. Then you have told me all the places that you remember where you have ever taken them outside!—A. As far as I can remember.

Q. Have you ever fished with the seine—with the purse-seine—for mackerel!—A. I have helped to heave the seine to catch some mackerel.

Q. In which vessel!—A. It was a seine belonging to the shore.

Q. That was not a purse-seine, was it!—A. They made a purse-seine out of it.

Q. Where did you fish with that!—Right in the cove I belong to.

Q. How large a seine was that!—A. I guess about one hundred fathoms long and eleven fathoms deep.

Q. And you had to have how deep water to use it!—A. I guess we caught 22 barrels in about four and a half fathoms. We hove it twice. We got none the first heave.

Q. Did any American vessel in which you fished have any of these seines?—A. No.

Q. The year sixty-six was the last year you fished in an American vessel?—A. Sixty-four was the last year.

Q. That year you took 950 barrels, which was quite extraordinary. Now, how long were you doing that? When did you begin and when did you end?—A. I left Gloucester the day after the 4th of July—no, the 10th of July, and I left her on the 13th of October.

Q. Those were caught, then, in 3 months?—A. Yes, about that.

Q. Did you go back?—A. No; I left the vessel in the Strait of Canso.

Q. I wonder if you could tell me where you were during the three trips of that season?—A. Chiefly?

Q. Well, perhaps the easiest way would be to give us the course of vessel you took?—A. We fished around the island when we first struck in.

Q. Through Canso?—A. Yes.

Q. You didn't fish about Cape Breton?—A. No; I don't think we hove to there at all.

Q. Why was that, do you know?—A. It was early in the season, and we did not suppose there would be any mackerel there just then. We went up to the bend of the island and fished there about a week, and got about 150 barrels that week, right along from East Point until we got up about Malpeque.

Q. After that week where did you go?—A. We went up to the west shore.

Q. That is the west shore of New Brunswick?—A. It is the east shore of New Brunswick. We fished off there.

Q. Whereabouts?—A. At a place called Pigeon Hill. We didn't go up as far as Miramichi.

Q. How many did you get there?—A. About 100 barrels, I guess. We then went down to Magdalen Islands and got the balance of the trip.

Q. What was the balance?—A. Fifty barrels, about. Three hundred and ten, I think, was our whole fare.

Q. Well, how far off shore did you get them at Magdalen Islands?—A. Close by at Magdalen Islands.

Q. How far off shore on the west shore (that is the east shore) of New Brunswick?—A. I won't say. The wind blew from the westward, and we hove to as close as we could go, and drifted off to four or five miles. When we would get clear of the mackerel we would go in again.

Q. How near?—A. A mile and a half. I don't suppose we would go nearer; it was shoal.

Q. How much did she draw?—A. She drew about twelve or thirteen feet of water.

Q. What vessel was that?—A. The S. E. Parker, Captain Smith. She drew ten or eleven, perhaps twelve feet.

Q. Then she could not go nearer, you say, than a mile and a half?—A. She could, but we would not go too close.

Q. That was your first trip?—A. Yes.

Q. Then where did you go to tranship?—A. Port Mulgrave. We landed there.

Q. Then from Port Mulgrave where did you start for your second trip?—A. We caught some down off Cape Breton. I could not say exactly how many. We were going down to the Magdalen Islands, and would heave to now and again. I guess we got 75 barrels before we went down.

Q. How near shore did you get them about Cape Breton?—A. Part of it was—about 25 barrels, the first day we hove to, about three miles off—four miles, I dare say. Then we went inshore, in between Margaree Island and the main, and got about 25 barrels more there. Then we hove to farther along, I could not say, about three miles off, perhaps less, perhaps a little more. We got 75 barrels. Then we went down to the Magdalen Islands and finished the trip, all but 25 barrels. We got those close in to Cape Breton, coming back.

Q. How many would it be that you caught at Magdalen Islands?—A. Near 200 barrels there.

Q. Of your second trip you got nearly 200 barrels at the Magdalen Islands, and of the remaining 100 there were two lots of 25 barrels that you are sure were caught inshore?—A. Yes; there was one catch I would not be certain about, but three catches were got inside.

Q. Of those 300 barrels, you got 200 on the Magdalen Islands, and 25 of the other 100 three miles, more or less, off shore?—A. Yes.

Q. What did you do with your fish?—A. We landed at the same place and fitted again.

Q. Then about what time of the year had it got to be when you began the third trip?—A. It would be September.

Q. Where did you go then?—A. The first mackerel we caught then was off Cape George, on the Nova Scotia shore, right close there, in Antigonish Bay and along Cape George.

Q. How many did you get there?—A. 50 barrels the first day. Then we went to Magdalen Islands for a fortnight, and caught no mackerel of any account. Then we returned to Cape Breton and finished our trip there, within half a mile of the shore, I should think.

Q. Now, go back to 1862. You made two trips in 1862, and you got 475 barrels, which you think was above the average catch for that year?—A. Yes; above the average.

Q. Now describe those two voyages. Where did you begin, and at what season did you begin the first trip?—A. We came about the middle of July into the bay. I shipped at Gloucester, I forget exactly what date. It would be the middle of July when we first hove to for mackerel.

Q. Where did you begin to fish?—A. In the bend of the island. We commenced at East Point.

Q. How much did you catch there?—A. Well, we only got small catches right along, only a few at a time.

Q. You were fishing inshore always?—A. Yes; down to Malpeque. We had 70 barrels when we got down to Malpeque in a week, perhaps ten days. We went into Malpeque and started afterward for North Cape. We fished around North Cape two or three days, and caught a few, not a great many.

Q. All the while you were close inshore?—A. No; sometimes we would go off outside, but as a general rule we were inshore.

Q. How many barrels did you get that time?—A. We got 225 or 230 barrels.

Q. Of that 225 barrels, what proportion was caught more than three miles from the shore?—A. Two-thirds of it.

Q. You have probably misunderstood my question. What proportion was caught more than three miles from the shore?—A. About one-third perhaps.

Q. Then that trip you caught one-third outside and two-thirds inside?—A. Yes.

Q. What was the whole catch of the first trip?—A. 225 barrels; about that, I think.

Q. That leaves 250 barrels for the next trip that year. Tell me where you caught those?—A. I caught a few down at Magdalen Islands.

Q. How many?—A. 17 barrels.

Q. Where else?—A. From off East Point, close inshore there, we got 50 wash-barrels, which would make 40 barrels.

Q. That, you say, was close inshore?—A. Yes. The balance we got near Port Hood, on the Cape Breton shore.

Q. Of the balance, how much was taken within three miles, and how much outside?—A. Well, the principal part of the balance was taken within three miles.

Q. Could you make that more definite?—A. Well, I could not say for certain what amount was taken inside.

Q. Tell me as well as you can?—A. Well, I will tell you how it was. We were fishing with the wind off the land, and we would catch a part, a few, outside and part inside. It would be very hard to determine the proportions.

Q. You would not hazard an estimate?—A. I should think that that trip we got at least two-thirds inside of the three miles.

Q. Do you mean that whole trip?—A. Yes, right there.

Q. Now, is it your general judgment, as to the fishing on the north side of Prince Edward Island in fishing vessels, that on an average you catch two-thirds inside and one-third outside?—A. I think two-thirds of the mackerel around Prince Edward Island is caught within two miles—perhaps three-fourths.

Q. That is on the north side of the island?—A. And the south also.

Q. Go back now to the year 1860; tell me where your fishing-trip was that year?—A. The first thing we did that year was to go to Bradley. We were five or six weeks there.

Q. That was the time you had such bad luck?—A. Yes.

Q. Were there many other vessels on Bradley?—A. A few. None of them hung there so long as we did.

Q. There was bad fishing there that year?—A. There was nothing doing. We ran into Prince Edward Island. The first mackerel we caught was near North Cape. We followed them up the northwest side of the island and got to West Point, close inshore. Then we went across on the New Brunswick shore there, between Point Miscou and Miramichi.

Q. What was your first fare in 1860?—A. About 220 barrels.

Q. And except a few at Bradley, you say they were all caught off Prince Edward Island?—A. There was a few caught at Green Bank, off Perce.

Q. Well, how many were caught there?—A. Not many; perhaps 30 barrels.

Q. The 30 barrels there, and 17 at Bradley, is 47?—A. Seventeen at Bradley! No, we only got two barrels at Bradley.

Q. Was it at Magdalen Islands that you got 17 barrels?—A. No; that was in 1862.

Q. Well, of that first trip in 1860, of your 200 odd barrels, what proportion in your judgment was taken inshore?—A. I think two-thirds were inshore. Perhaps more. Perhaps three-fourths.

Q. Does that include what you took at the Bank?—A. It takes the whole of the first trip.

Q. Now take the second trip that year?—A. The second trip we fished in the bend of the island.

Q. Altogether?—A. Chiefly. The first three or four weeks we were in the bend.

Q. Where afterwards?—A. At Cape Breton.

Q. Take your second trip. What portion was caught within three miles?—A. Nearly three-fourths, I will say. Between two-thirds and three-fourths were taken within three miles. Perhaps more. Perhaps seven-eighths.

Q. How much water did that schooner draw, the Morning Star?—A. About ten feet.

By Mr. Davies:

Q. I have just one question to ask you. When you speak of a certain portion of your fish being caught outside you have described your mode of fishing to be that you commenced fishing inside and then drifted out, and as you drifted out you say a portion was caught out beyond three miles of the land. But suppose you had been prohibited from going in at all, could you have got those outside?—A. I don't know. I don't think it.

No. 56.

BARNABY MCISAAC, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Where do you live?—Answer. At East Point, Prince Edward Island.

Q. What is your age?—A. Forty-seven, about.

Q. You have been connected with the fisheries a good deal?—A. Yes.

Q. How have you been connected? Have you been fishing in boats and vessels?—A. In vessels.

Q. Have you fished in many American vessels?—A. A good many.

Q. What year did you commence fishing in them?—A. 1851. I was then in the Bloomfield, from Boston.

Q. Where did you go to catch fish?—A. I went in her on the island.

Q. She was in the gulf?—A. Yes.

Q. That was the year of the great gale; were you caught in it?—A. Yes.

Q. Were you wrecked?—A. Yes.

Q. Where were you wrecked?—A. At Tignish.

Q. Had you caught any fish before being wrecked?—A. She was full the day she went ashore.

Q. That finished the season I suppose?—A. Yes.

Q. Where did you catch those fish?—A. Most of them along the island, from St. Peter's to East Point.

Q. How far off shore?—A. About a mile and a half.

Q. Were there many American vessels fishing there then?—A. A good many.

Q. How many do you mean?—A. I suppose there was four or five hundred sail.

Q. Where were they taking fish, the same as you; that is, a mile and a half from the shore?—A. Yes.

Q. When did you go fishing again?—A. In 1857.

Q. The gale frightened you for the next five years?—A. Well, I don't know. I went then in the C. C. Davies, from Gloucester, Captain Sinclair.

Q. Where did you go to catch fish in her!—A. We fished mostly at the islands, Prince Edward and Magdalen Islands.

Q. How many barrels did you catch!—A. 300; about that.

Q. How far off shore!—A. Most of them inshore.

Q. What do you mean by "inshore"?—A. About a mile and a half to two miles.

Q. In 1858, what vessel did you go in!—A. The Ellie Osborn.

Q. How many trips did you make, and what catch!—A. We made one trip and got 250 barrels.

Q. In 1859, what vessel did you go in; the C. C. Davies!—A. Yes; we made two trips that year and got 660 barrels.

Q. Where did you catch those!—A. The first trip we caught them to the northward on the Canada shore, from Cape Rosiere to Ste. Anne, the south shore of the river Saint Lawrence.

Q. Did you get all there!—A. Yes.

Q. How far from the shore did you catch them!—A. I suppose not more than half a mile.

Q. I believe they are all taken there within a mile or a mile and a half!—A. Yes.

Q. The second trip!—A. We caught them mostly along Margaree and Prince Edward Island.

Q. How far off!—A. About a mile and a half.

Q. Those two trips were all taken inshore!—A. Yes.

Q. In 1860, what vessel were you in!—A. L. F. Bartlett, Gloucester.

Q. How many trips!—A. Two.

Q. How many barrels did you get!—A. About 450.

Q. How far from shore!—A. We got 100 barrels to the northward, where we got the others, by Cape Rosiere.

Q. How far from the shore!—A. About a mile.

Q. You made two trips. Where did you take the second trip!—A. Off the Magdalens.

Q. The rest of the first trip you took at the Magdalens!—A. Yes; and the second trip between Port Hood and Margaree.

Q. I have one general question to ask you: How far off do you catch all your fish between Port Hood and Margaree!—A. About a mile and a half.

Q. And when you speak of fishing between those places, you mean always between a mile and a mile and a half!—A. Yes.

Q. In 1861, what vessel did you go in!—A. The same vessel.

Q. How many trips did you make!—A. We made one trip and got 300 barrels.

Q. Where did you catch them!—A. Off about the island, and some at Magdalen Islands.

Q. What proportion did you catch at the Magdalen Islands, how many!—A. I suppose we got perhaps 100 barrels or so.

Q. And the rest you caught at the island!—A. Yes; Prince Edward.

Q. In 1862, what vessel did you go in!—A. The John Soames.

Q. How many consecutive years did you go in her!—A. Six summers.

Q. That would be 1862, 1863, 1864, 1865, 1867, and 1869. You did not go in 1866!—A. No.

Q. What was the captain's name!—A. Hardy. She was from Gloucester.

Q. In 1862, how many barrels did you take!—A. I made two trips and got something over 600 or 640 barrels.

Q. In 1863, how many?—A. The average was about the same.

Q. In 1864, that was the big catch?—A. Yes; we made three trips and got 975 barrels, as nearly as I can give you.

Q. In 1865, how many barrels?—A. I made two trips every year except 1864, and then I made three.

Q. Then you took the same number of barrels every year, except the big fare in 1864?—A. Yes.

Q. Do you know whether any large fares, much larger than yours, were taken that year?—A. Yes; there were large vessels with large crews, that took a good deal more. Some went as high as 1,300 or 1,400.

Q. Now, during the six years you were in that vessel where did you fish? The captain would have some favorite haunt, would he?—A. We fished mostly all over the bay—at the Magdalen Islands, Port Hood, and the island.

Q. When you say "the island," you mean Prince Edward?—A. Yes.

Q. In Bay Chaleurs?—A. No, never except one year.

Q. What proportion did you catch within?—A. About two-thirds.

Q. Were you accustomed to fish in the usual way coming inshore and then drifting offshore, and carrying the fish with you?—A. Yes.

Q. The fish would drift off, and you would go sometimes beyond the three miles?—A. Yes.

Q. Did you get a good price for your fish during that time?—A. Some years a very good price.

Q. What would you make on board one of those vessels in a year?—A. \$200 or \$300. Some years more. \$510 was the most.

Q. What price did you get for the mackerel; do you remember?—A. I could not say. Some years as high as \$18, \$15, or \$14.

Q. I am speaking now of those years you were in this one vessel. You say you got two-thirds inshore?—A. Yes.

Q. Were there large numbers of the American fleet there then, during those years?—A. Yes.

Q. What would you put them at?—A. Some years I suppose there were seven hundred or eight hundred sail.

Q. Was your experience a fair average experience of the vessels? Was the catch of the vessels you were in a fair average for the rest?—A. Yes.

Q. Did they catch their fish, as far as you could see? The vessels within your sight, were they fishing in the same waters with you?—A. They were.

Q. You say about two-thirds were taken inshore?—A. Yes.

Q. Well, after this long spell that you remained in the John Soames, you come down, I think, to 1870; what vessel did you go in then?—A. The George P. Rice, from Gloucester.

Q. How many barrels did you get?—A. 250.

Q. Did you spend the whole season in her?—A. No.

Q. Where did you go then?—A. I went in the Restless.

Q. How many barrels did you take in her?—A. About 250.

Q. That would be about 500 for the season?—A. Yes.

Q. Where were those taken, take the Restless first?—A. We caught, our last trip, about North Cape and Malpeque, in Prince Edward Island.

Q. And the first trip?—A. We got about half at Magdalens, and the other half off the island.

Q. Of those caught off the island, what proportion were taken inshore?—A. Most of them inshore.

Q. About the same as before?—A. Yes.

Q. You mean to say that three-fourths of them were caught inshore?—  
A. Yes.

Q. Are you satisfied with that?—A. Yes, I am.

Q. Take 1871; what vessel did you go in?—A. The Thomas Fitch, from New London, Conn.

Q. Did you make more than one trip?—A. One trip.

Q. How many barrels did you catch?—A. About 300.

Q. Where did you catch them?—A. Most of them off Malpeque, and between North Cape and West Cape.

Q. How far offshore?—A. About a mile and a half or three quarters.

Q. Were you fishing in 1872? If you cannot recollect, can you recollect 1873?—A. I was in the Eunice P. Rich, Boston.

Q. How many trips did you make in her?—A. Only one.

Q. How many barrels?—A. 500 barrels.

Q. Where?—A. Along the island, Prince Edward, and along the west shore.

Q. How far off the shore?—A. About a mile and a half from the shore.

Q. In 1874, what vessel did you go in?—A. The Freedom, from Gloucester, Captain Hiltz.

Q. How many trips?—A. Two.

Q. What was her tonnage?—A. She was 47 tons.

Q. She was very small, then?—A. Yes.

Q. How many would she carry?—A. She would not carry much over 200 barrels.

Q. What fares did you catch?—A. We got 300 barrels in the two trips.

Q. You caught very nearly your fare, then?—A. Yes.

Q. Where did you fish for those three hundred barrels?—A. Most of them around Malpeque and Cascumpec, close in.

Q. How far do you mean by that?—A. About half a mile. We could not get close enough to catch them in the eel-grass.

Q. You would like to have been closer?—A. Yes.

Q. Then to sum up, from 1851 to 1874, except one or two years, you have been fishing every year in American vessels in the Bay St. Lawrence; can you give us an idea what the average number of the fleet was during those years, somewhere about it?—A. There was a large fleet in there at times. I suppose it would average from five to six hundred.

Q. Now, can you tell me, just running over the whole number of years you have been fishing there—I don't speak of any one special trip or year, but as to the whole number—what proportion did you catch within three miles of the shore?—A. I think I am safe enough in saying that we got two-thirds of them inshore.

Q. Would not you be safe in saying more than that?—A. I don't know. I will say that.

Q. You will swear to that many?—A. Yes.

Q. Were the other vessels fishing the same way?—A. Yes.

Q. Suppose an American captain were to say that the inshore fisheries were no good, and that all the fish were caught outside, what would you say?—A. I would say it was false.

Q. Now as to boat-fishing. You have been fishing in boats since then, have you?—A. I have this summer, that is all.

Q. How is the fishing this summer? Are there many mackerel there?—A. There are a good many mackerel there.

Q. Have the Americans come down to our coast much?—A. Yes; a good many seiners.

Q. Have they injured the boats a good deal?—A. The mackerel come close in, and they come in and lee-bow the boats.

Q. They are close in this year?—A. Yes; about a mile or a mile and a half.

Q. And they come in and injure you?—A. Yes.

Q. Have they got any catches?—A. Some of them that came in first have. Some took 180 barrels a day right inshore.

Q. Are there any fish outside for them to catch, in deep water?—A. No; they can't get any in deep water.

Q. You transshipped some of your fish, I believe?—A. Yes.

Q. Could you have made those three trips you spoke of without transshipping?—A. No.

Mr. DANA. That is not material.

Q. The boats are making pretty good catches?—A. Yes; very good.

Q. I don't know whether you know anything about cod-fishing or not?—A. No, I don't know anything about that.

By Mr. Dana:

Q. When a vessel goes near the shore and throws over bait and drifts off with the wind into deep water, beyond three miles of land, you consider all the fish she catches after she has got outside is caught inside, don't you, because they have toled them off?—A. Yes; they take them off, of course.

Q. Well, are you always certain that the fish they catch outside are toled off by them from inside?—A. I could not be positive. Of course there are mackerel in deep water, but very often they do carry them off in that way.

Q. At all events, if they come in and throw overboard their bait and drift outside, whatever is caught outside you call an inside catch, because they toled them off?—A. Yes, they do.

Q. And that is the way you made up your account? (No answer heard.)

Q. Now, you have had a long experience as a seaman; is it difficult in certain states of the atmosphere, and on certain kinds of coast, to determine the distance at sea exactly?—A. I don't know what to say.

Question repeated.—A. Of course there are places where the land is high, and it is pretty hard to tell, but where the land is low a person can easily tell the distance he is off.

Q. Does it not depend also upon the weather, and if there are any objects like trees or houses on the land?—A. Yes, sir.

Q. The state of the atmosphere makes a great deal of difference, does it not?—A. Yes.

Q. Don't you know that on land, and still more on water, there are certain states of the atmosphere when a mountain or a hill will seem very remote, and that at other times it will seem as if you could almost touch it. You have experienced that?—A. Yes.

Q. You know there has been a bad catch this year, don't you?—A. O, there are some pretty good catches too. Some of the seiners have done pretty well this summer.

Q. But taking the catch through, you know it is a bad one this year?—A. Yes.

Q. Have you known any Americans go home with a full freight?—A. I heard of some going home; I don't know whether they had a full freight or not.

Q. You don't know whether they went home dissatisfied or not?—A. I could not tell.

Q. This year, then, the catch you say has not been good?—A. Some have done pretty well.

By Mr. Davies:

Q. Do you mean to say that the boat catch has been bad?—A. O, the boats have done well.

Q. Are the prospects for the season good or bad?—A. Good.

Q. For boats?—A. Yes.

Q. And the mackerel season yet lies before you?—A. Yes.

Q. As regards the difficulty of telling the distance, have you any such difficulty off the coast of Prince Edward Island?—A. There is no difficulty.

Q. You always can tell, as an experienced man, how far off you are?—A. Yes.

Q. There is no difficulty at all?—A. No.

Q. Now, with respect to the mode of fishing, you have explained that you come in to the shore and drift out?—A. Yes.

Q. Well, you catch all your fish in that way?—A. Yes.

Q. You have spoken of two-thirds of your fish being caught inside and one-third outside. Were all your fish caught by coming inshore and drifting?—A. Yes.

Q. Did you catch any in the gulf without coming in first?—A. Perhaps at odd times, we would get a spurt.

Q. But do they amount to anything?—A. No.

Q. So that all your fish are caught by coming in and drifting out?—A. Yes.

Q. Well, Mr. Dana asked you a question, supposing you came in and drifted out and kept the fish following you, did you call—

Mr. DANA. I did not.

Mr. DAVIES. That was the question substantially. I will put the question now to you: did you mean when you said that two-thirds were taken inshore to include the fish you caught four or five miles from land?—A. Of course.

Q. Why? Do you understand my question? When you said two-thirds were taken within three miles did you intend in that to include those you got four or five miles out or not?

Mr. DANA. I think this is arguing and threatening both.

Mr. DAVIES. I think not. I think you misled him.

Mr. DANA. I put clean questions to him.

By Mr. Davies:

Q. Explain to the Commission what you meant when you said you believed that two-thirds were taken within three miles of the land?—A. Yes, they were taken two-thirds inside.

Q. Do you mean actually caught within three miles of the land?—A. Inside, of course. Inside of three miles.

Q. Where were the other third taken?—A. They may have been taken outside.

Q. Do you mean to include in that two-thirds the fish that you caught beyond three miles?—A. No, sir.

Q. You gave Mr. Dana to understand, and I so understood your answer to him, that if you came into the shore and drifted out you would call them inshore fish if you caught them, say, four miles out?—A. No.

By Mr. Dana:

Q. You are now indoctrinated sufficiently. You have answered certain questions I put you, and I believe you understood my questions.—A. No, sir; I did not.

Q. Didn't you or did you?—A. No; I did not.

Q. You answered then without understanding?—A. Yes, sir, it appears I did.

Q. Is that so as to all the questions I put to you? Did you understand any of them?—A. I did.

Q. Now, did you understand Mr. Davies' questions?—A. I did.

Q. You certainly understood him the last time he put them, didn't you?—A. I did.

Q. You understood exactly what he meant?—A. I think I did.

Q. Now, I will put you my question again. You say a vessel comes inside and drifts out and toles off the fish; then that if she toles them off beyond three miles and catches them there you consider them as caught inside the line because they were inside the line and were toled outside when they were caught. Do you understand me now?—A. I do.

Q. Well, now, you said you counted those as inside because they were drawn outside by the vessel. Do you say that now, sir?—A. Of course. Those that are caught outside are caught outside, but those that are caught before they went out—

Q. What do you say about those that are drawn outside in that way; do you count them among those caught outside or inside?—A. I count them among those caught outside.

Q. When you speak of one-third being taken outside and two-thirds inside, which you said was a sort of average, did you mean to include among those caught inside those toled out in that way?—A. No, sir.

Q. Now, as to seeing, you told me there was great difficulty in certain states of the atmosphere and of certain kinds of land in determining the exact distances. Now, Mr. Davies asked you whether there was any such difficulty during the mackerel season; you said no.

Mr. DAVIES. I said in Prince Edward Island.

Mr. DANA. Now, does the mackerel season make any difference in your ability to tell where you are? Can you not tell just as well when it is not the mackerel season as when it is? How is that?—A. I don't understand you at all.

Q. Well, I will try you again. In the matter of being able to tell how far off land you are off Prince Edward Island, does it make any difference whether it is the mackerel season or not?—A. No; it does not make any, of course.

Q. Well, do you mean to say Prince Edward Island is one as to which you can easily tell the distance?—A. Yes; the land is low, and a person can tell.

Q. I was going to ask you the reason. You say the land is low. Is that so all along the island?—A. Yes; there may be some places a little higher than others.

Q. How is it off Cape Breton?—A. It is hard to tell there where the land is high; it is very hard.

Q. And off the west coast, I think you call it?—A. The land is high to the west.

Q. But in Prince Edward Island you think the land is low and you are able to tell better?—A. Yes.

Q. That is so everywhere—wherever the land is low you can tell better?—A. Yes.

Q. Is that the view held by all seamen?—A. I should think so.

Q. Well, even with low land in certain states of the atmosphere you would not like to make oath to the exact quarter or eighth of a mile?—A. No.

Q. You can't tell exactly then? You know the difference between one mile and three miles?—A. Yes.

Q. Does it not take some little experience to judge of distances at sea?—A. I suppose it does, of course.

Q. Experience in observing, and that sort of thing?—A. Yes.

Q. Even off Prince Edward Island you can't always tell to half a mile? You could not in certain states of the atmosphere tell whether it was two and three-quarters or three and a quarter miles? You could tell two miles from three miles, or you could tell half a mile from a mile, but when you take a difference of half a mile off three miles from land, of course the farther you go off the less easy it is to distinguish as to half a mile—for instance, between nine and a half and ten miles. How is it as to three miles, even with a flat shore like that, in certain states of the atmosphere you would find it difficult to make oath as to whether it was just three miles or a little more or less?—A. A person could go pretty near it. Even if he could not tell he could go pretty near by soundings.

Q. If he had the soundings he must have a chart?—A. Yes.

Q. He could take soundings if he was stationary, but he has to heave to and come to anchor, and then compare his soundings with his chart. If he did not go through all that, but trusted to his eye, there would be some difficulty in determining in some states of the atmosphere?—A. Yes.

#### No. 57.

JOSEPH TIERNEY, of Souris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You are master of a vessel?—Answer. Yes.

Q. Now fishing?—A. Yes.

Q. How long have you been engaged in the fishing-business?—A. Since 1862.

Q. And have you been master of a vessel long?—A. This year, fishing.

Q. How many years have you been in a fishing-vessel?—A. For the last 16 years.

Q. Fishing around Prince Edward Island and Cape Breton?—A. I was 12 years around Prince Edward Island.

Q. In island vessels or American vessels?—A. All island vessels except one.

Q. What was the name of the American vessel you were fishing in?—A. The Ellen Francis, Gloucester.

Q. How many trips did you make in her?—A. Two.

Q. In what year?—A. In 1872.

Q. How many barrels did you get?—A. 390 barrels.

Q. Where did you take them?—A. Around Prince Edward Island chiefly.

Q. How far off from shore?—A. About a mile and a half to a mile.

Q. During the years you were in island vessels, can you give us the catches you made?—A. About 400 barrels a year.

Q. Where did you catch those fish?—A. Around Prince Edward Island, chiefly.

Q. All within the same distance?—A. Yes; all.

Q. Have you caught any fish in the gulf?—A. I have, some.

Q. Where?—A. Off Bradley and Orphan, and between Magdalen Islands and Cape North.

Q. What proportion of fish are taken out in deep sea, and what proportion inshore?—A. In my experience in the bay, we never got 100 barrels off shore, although I have seen vessels that have.

Q. All the rest were taken within three miles?—A. Yes.

Q. Is that speaking generally of the vessels with which you have been brought into contact, or of which you have accurate information?—A. Yes.

Q. What would be the result as to them?—A. All that I have seen caught their fish inshore. I have heard of some that got good catches off Bradley Bank and Orphan.

Q. You have had fifteen or sixteen years at sea. How many American vessels have been frequenting the bay during the years you were there?—A. Between 400 and 500 sail. That is what I heard, although I never saw them all, of course. They were never always in one place. The most I have seen at one time is 250. We used to hear them give a rough estimate of four or five hundred sail.

Q. What were the average catches?—A. I should say that an average of 500 barrels; that is, up to 1872. Since that I have not been in the bay. I understand it has fallen off.

Q. You can only give information as to when you were there yourself. You were in and out, sailing along the coast of Cape Breton, the West Shore, and Bay Chaleurs, all the time; now tell the Commission where did you see these Americans catching fish, close in or not?—A. Undoubtedly, all in.

Q. They tell me you have some difficulty in telling where you were.—A. Well, they didn't seem to find much difficulty when the cutters were around. They ascertained within a mile or so then.

Q. Used they to fish inshore notwithstanding the cutters?—A. Yes.

Q. They would run the risk?—A. Most undoubtedly.

Q. Have you seen many at one time?—A. Yes. When they saw a suspicious-looking sail they would run out, and as soon as she was out of the way they would run in again.

Q. Have you any difficulty, then, in judging the distance from the shore?—A. Not the least.

Q. Taking such a shore as that of Prince Edward Island, there is not much fog there, is there much difficulty?—A. No. Any man who has been at sea fifteen or sixteen years can tell within a short distance.

Q. I think I asked you what proportion of the fish you took were caught within the limits?—A. Yes; I should say three-fourths anyhow.

Q. From the information you have gathered from American captains, and from what you have seen of their fishing, what proportion of their fish would you say?—A. Five hundred barrels.

Q. But what proportion of those, in your opinion, are taken within three miles?—A. Well, during the time I have taken I never saw more than 10 or 15 sail in the fleet off shore. Whatever was taken in American vessels was where we got them ourselves.

Q. I believe that on the Cape Breton shore there can be no question about the distance?—A. It is no use going outside of two miles there.

Q. Prince Edward Island is nearly the same?—A. Yes.

Q. Have you been in the Bay Chaleurs?—A. Yes.

Q. Do you catch fish in the body of the bay?—A. No; at the sides.

Q. I don't know whether you have been up as far as Seven Islands?—  
A. Yes.

Q. Have you caught much there?—A. No; I have taken a good many on the Shippegan side of Bay Chaleurs.

Q. Have you fished at Magdalen Islands?—A. I have been over there looking for fish. I can't say I fished much. I could not get them. We never found good fishing there. I have heard them talking of good spurts there. I never could find them.

Q. No fisherman could pretend that there is the same continuous fishing there that there is around Prince Edward Island?—A. No.

Q. Suppose they were confined to Magdalen Islands and those parts of the gulf that were outside of three miles?—A. There never would be twenty-five sail go for mackerel. They would give it up.

Q. Is this open to question? Could that be disputed by reasonable men? Would you believe any man who swore that the fish were caught outside—if he told you he caught all his fish outside and very few within?—A. I would not dispute it. I have known some few men that did get some outside. They told me so themselves; but if confined to those certain places I don't believe they would go.

Q. Have you ever heard of any Canadian vessel going to fish in American waters?—A. None but one. That was the Lettie, I believe.

By Mr. Foster:

Q. I notice that your average catch was 400 barrels a year?—A. Yes.

Q. You put the average American catch at 500 barrels in 1872. Was the class of vessels you were in smaller than the Americans?—A. They were not so competent to prosecute the fishing business.

Q. You have not been fishing in vessels since 1872?—A. I have been trawling on the Banks for cod, and partly seining for mackerel on the American shores.

Q. How many trips for mackerel have you made on the American shores?—A. Three trips. They were small trips, averaging 150 barrels.

Q. Where did you catch those?—A. Off Block Island.

Q. In what year, 1873?—A. 1874.

Q. I thought you left the gulf in 1872?—A. Yes, but I was trawling next year.

Q. Block Island is pretty near the entrance of Long Island Sound?—  
A. Yes.

Q. What other fishing did you do?—A. Trawling.

Q. Who was your captain?—A. Charles Muir.

Q. Had you ever been with him before?—A. No.

Q. Who were you with seining in 1873?—A. Saul Jacobs, in the S. R. Lane.

Q. Where did you seine in 1874?—A. Down east. It was late in the fall when I came home from the Banks. We went off Cape Cod.

Q. What luck had you?—A. About 275 barrels. She had been out all the year, but I was not in her.

Q. Take 1875?—A. I did not fish for mackerel in 1875 or 1876.

Q. Now how many times did you have to go the Magdalen Islands?—  
A. I would probably go four or five times in a season.

Q. Did you ever go with an American captain?—A. Once.

Q. Who was he?—A. Chivarie.

Q. What year?—A. 1872.

Q. Did he have any luck?—A. No.

Q. That is the only time you went to the Magdaleu Islands?—A. Yes.

Q. Did you also have poor luck on Bradley and Orphan Banks?—A  
I never caught any mackerel. I simply tried there. It lies in our way

Q. Is it within your general knowledge that a good many good fares have been taken at Bradley and Orphan?—A. No; they would be poor fares. I never heard tell of a fare taken there entirely.

Q. Haven't you heard of a good many barrels being taken there at a time?—A. Some few vessels. I didn't see many vessels there.

Q. How many American vessels did you say there were in the gulf in 1872?—A. I should say, by what I have heard, 500 sail.

Q. How was it in 1872, the last year you were there?—A. Not so many—I don't believe there were over 300 in 1872.

Q. Do you think those vessels in 1872 averaged five hundred barrels for the season?—A. No.

Q. What do you think they averaged in 1872?—A. We got about 400. I should say 400 was the average. We did not bear.

Q. Since then you have had no personal knowledge until the present year. How many American mackerel vessels have you seen this year? Tell the number and the names as far as you can.—A. I could not do it. I heard them talk. By what I have seen myself I have not seen over 50 sail in one fleet this year.

Q. When was that?—A. That was about three weeks ago. I spoke some of them; they were going up to Bay Chaleurs and around the island.

Q. How many American vessels have you seen about Prince Edward Island this year?—A. Taking one time and another—they were scattered round considerable, say 20 or 30 at Georgetown, 15 or 20 at Souris—I should say there were 75 when I left home.

Q. There is a liability to count twice, is there not? Do you think there were that many?—A. Yes; around Prince Edward Island.

Q. Are they seining chiefly?—A. No, hooking.

Q. Where are they from?—A. Gloucester.

Q. You could not give us the names of the 75, of course. Can you give us any considerable number?—A. No; I could not give names.

Q. It is within your general knowledge that up to this time they have had no luck?—A. I know that because I have been there, except some vessels. Between the 1st of July and the 10th there were some good hauls with seines between East Point and ten miles down the coast.

Q. Was that close in?—A. Some would not throw their seines, because they were afraid they would lose them on the rocky bottom. They can take mackerel in eight or ten fathoms.

Q. How far from the shore do you have to go off the north side of the island before it is ten or twelve fathoms?—A. In some places you will get ten fathoms within 300 yards. Other places you will have to go a mile and a half.

Q. There is no average about it?—A. No, it is irregular.

Q. But you think you can estimate, in almost any state of the weather, so as to tell within a quarter or half a mile what the distance is?—A. I can always tell it within three miles. I have been often outside of three miles.

Q. You kept in generally?—A. Yes.

Q. Do you think you can tell three miles from three and a quarter?—A. I can tell it by observation if I see the planets, or we can tell it by the depth of the water by referring to a chart.

Q. You can ascertain in that way. But when you are simply looking at another vessel do you think you can judge within half a mile accurately?—A. I can when three miles off shore.

Q. Then you would know whether a vessel was two and a half miles or three miles?—A. Yes.

Q. Could you tell whether she was two and three-quarters or three?—  
A. I would not like to say within a quarter of a mile.

Q. Within three miles, or thereabouts, of the shore, you think you can tell within half a mile?—A. Yes.

Q. Now, if you saw 250 sail at once—by the way, when and where was that? Was it in the bay?—A. Those were to anchor in the harbor.

Q. There were not that many fishing. How many were there fishing?—  
A. One hundred and fifty, I should say.

Q. Could you judge with accuracy within half a mile where all those 150 lay?—A. Yes.

Q. Where do you say your vessel belonged?—A. To Souris, Prince Edward Island.

Q. Well, now, where was the other place at which you seined mackerel on the American coast; you have given us Block Island?—A. George's Banks.

Q. Any other places?—A. South Channel, between George's Bank and Cape Cod.

Q. How far from shore was that?—A. About five miles off shore.

Q. How far out is Block Island?—A. Only three miles, the nearest part.

Q. But part was more than three miles off the American shore?—A. Yes; most of the fish is taken outside of three miles, on the American coast.

Q. Do you think there is a difference in the habits of fish on the American coast and the Canadian coast, as to where they come in and how far they stay out?—A. I do think so; in the bay they go right up to their spawning waters, right up to shallow water, and coming down they follow the coast.

Q. What do you call the spawning grounds?—A. The shoal waters of the Bay Chaleurs.

Q. You think the mackerel resort to spawning grounds?—A. I do.

Q. You are pretty confident about that?—A. That is our general belief as fishermen.

Q. You know cod do not; they spawn wherever they feel like it.—A. I don't know; they frequent the same place every year.

Q. But do you think the cod have spawning grounds inshore?—A. I think they have; at least, the people in Newfoundland have been telling me so.

Q. It is to spawn, and not for food, that mackerel go inshore?—A. Yes; because there is better food outside for mackerel, a green stuff that grows on the bottom.

Q. What is the name of it?—A. I don't know any particular name; it is a weed that grows on the rocks; but inshore close, there is no food for mackerel, not right along the rocks.

Q. They go in to spawn and go out afterwards?—A. Yes.

Q. How long does it take them?—A. Some five or six weeks. They keep moving out, going in and moving out.

Q. That is exactly as I understand it. Now, how far out do they move?—A. Well, once they start to go down, some go across to North Cape and along the western shore. They follow the island down.

Q. They come into the shore and go out for a distance, a number of miles?—A. Yes; for the last four weeks they run right along the shore.

Q. But their usual way is to play about, moving in and out?—A. Yes; they come in to four or five fathoms and move out to eight or ten fathoms.

Q. They are not such devoted subjects as to keep within three miles?—A. No.

Q. There is food outside?—A. I don't say outside of four or five miles, along one mile or a mile and a half.

Q. Then I misunderstood you. You think it is about a mile or a mile and a half that they get their food? Do you know what they call brit?—A. Yes.

Q. Where is that?—A. Right in close.

Q. Do they find it away out at sea?—A. I don't think so.

Q. You have seen spawn?—A. Yes.

Q. You have had it come up on your lines?—A. No; I have seen it lying on the bottom where a vessel would not float.

Q. Then I understand you think there is a difference between the habits of mackerel up here in these waters and down off the coast of the United States as to the distance they keep from the shore?—A. Yes.

Q. And you think that off the coast of the United States they keep farther off?—A. Yes; in the fore part of the season.

Q. And how in the latter part?—A. They move in. From Gloucester and the State of Maine you go pretty close in, right inshore.

Q. Are there any mackerel in there?—A. Yes; the best fishing is there, from this out.

Q. From Gloucester north to Maine?—A. Yes.

Q. I thought it was all exhausted?—A. Well, they seem to think so this year. They don't do much.

Q. Nor here either?—A. I believe not.

Q. It is all in the future. It is what you call prospective?—A. Yes.

By Mr. Davies:

Q. Have you ever heard from any of the American captains how many vessels there were down the bay?—A. There are 200 vessels in the bay now. I have seen a man last Friday from Gloucester, his name was Davies; 25 sail left with him.

Q. What vessel was he in?—A. The Joseph O. And as many as a dozen captains have told me that there were 200 vessels.

Q. And they are coming still?—A. Yes.

Q. Do they expect to have a large fleet down this year?—A. There was a vessel went home and reported poor doings.

Q. As a rule, is the fishing poor?—A. We have never done so well as now.

Q. The mackerel are plenty?—A. Yes; very plenty.

Q. As an experienced fisherman, do the indications point to a good season or not?—A. Yes.

By Mr. Foster:

Q. How soon are you going to find it?—A. I hope they have by this time.

By Mr. Davies:

Q. You say you fished in an American vessel off Block Island?—A. Yes.

Q. How far off shore?—A. All the way from three to ten miles.

Q. Beyond ten?—A. Yes; twenty-five miles out. That was the captain's estimation. I don't know whether he knew how far he was or not.

Q. You were out of sight of land?—A. Yes.

Q. I understood what you stated about the food of mackerel as Mr.

Foster did. You don't mean to say that the food is a stuff that grows outside of three miles!—A. I never found any outside of three miles. That is the stuff we find in them when we clean them.

Q. Now, you have never seen food in the deep sea at all? What is brit!—A. I have seen it in the mackerel where I have been fishing. I have not seen the green stuff where I have been fishing. It is as close in as a boat can come. I have never seen any outside.

Q. How many times on an average has a trawler to come in for fresh bait during the season!—A. It depends on how long she is out for. If it is five months, and she has to come in only four times, she does very well.

Q. Can't she run home for bait!—A. I think she could not do it. I think it would spoil if she did.

By Mr. Foster:

Q. You start from Gloucester with one lot of bait!—A. Sometimes we never take any.

Q. You usually start with bait, don't you!—A. Not usually. We get bait on the shores of Nova Scotia.

Q. What bait do you use!—A. Herring and squid.

Q. Do you use the squid fresh or salt!—A. Fresh.

Q. Did you ever use salt!—A. No.

Q. The Provincetown and Beverley use it salt altogether!—A. I believe so.

Q. Those vessels that fish with hook and line from the State of Maine use salt bait altogether? They don't resort anywhere for bait!—A. They do, yes. I have seen lots of vessels the last time I was down.

Q. Provincetown vessels? I thought Provincetown vessels used salt bait!—A. They did, but they found it didn't pay. They had to follow the Cape Ann vessels.

By Mr. Davies:

Q. What harbors did you buy in in Newfoundland!—A. Cape Broyle, Fortune Bay, and Bay of Bulls.

Q. You said you would make four or six trips to take bait either on the Nova Scotia or Newfoundland coast!—A. Yes.

Q. How did you get that bait!—A. Buy it from persons that go and catch it and sell it for so much a barrel. The American fishermen are not allowed to catch their own bait at all. Of course they may jig their own squid around the vessel.

Q. You think they are not allowed to catch bait!—A. The natives will not allow them.

By Mr. Foster:

Q. What would they do if you tried to catch bait!—A. They were pretty rough customers. I don't know what they would do.

By Mr. Davies:

Q. You employ them and they go and catch so much bait for you!—A. Yes; that is the custom. That is, out of Gloucester.

No. 58.

JAMES MCPHEE, of East Point, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. What is your age!—Answer. Thirty-five.

Q. You have been about twelve years engaged in the fisheries?—A. I have been fourteen years, twelve years in American fishing-vessels. Then I have been boat-fishing besides.

Q. Fishing-in the Bay St. Lawrence?—A. Yes.

Q. What was the first year you went?—A. 1862.

Q. What vessel?—A. The Fannie R., from Gloucester.

Q. How many trips did she make?—A. One trip.

Q. What catch?—A. 180 barrels.

Q. Was she a small or a large vessel?—A. Ninety tons. It was only one trip I was in her, but she made two trips. I left her down in the bay and joined another.

Q. Now, where did you catch them?—A. We caught most of them on the east shore, from North Cape down to West Cape, and between that and Escuminac.

Q. How far off from the shore?—A. Along the shore, I would say a mile and a half to two miles.

Q. What proportion of the whole catch did you take within three miles?—A. I should think of the 180 barrels we took 130. We got 40 barrels at the Magdalen Islands.

Q. Where were the rest taken?—A. On the east shore of Prince Edward Island, and between that and Escuminac.

Q. Within three miles?—A. In shoal water.

Q. Within three miles?—A. Yes; within two and a half to one and a half.

Q. The next year, 1863, what vessel did you go in?—A. The Edward A. D. Hart, Gloucester, Captain McMillan.

Q. How many barrels did you get?—A. 700 barrels.

Q. How many trips?—A. We made only one trip, but we landed 250 or 300 barrels, and took all home in the fall.

Q. Now, where did you catch those?—A. All around Cape Breton and Prince Edward Island, and all around.

Q. Did you catch any of these at Magdalen Islands?—A. Yes, some.

Q. What proportion of the 700 did you catch within three miles of the shore? What proportion of the 700 barrels?—A. Well, the last trip we caught all inshore. We caught them at Margaree and off the north shore of Prince Edward Island. The first trip we caught 200 at Magdalen Islands, and we caught some on Bradley.

Q. Was the proportion 400 to 300?—A. Yes; two hundred were taken at Magdalen Islands and one hundred off Bradley.

Q. Those 400 were taken close in?—A. Yes.

Q. How many Americans were there in the bay that year?—A. Four hundred or five hundred sail.

Q. Was yours an average catch?—A. Ours was above the average.

Q. In 1864 what vessel did you go in?—A. In the Julia Parsons, Gloucester.

Q. How many barrels?—A. 1,000. She was a large vessel and made p.s.

Q. Where did you take them?—A. Some at Bay Chaleurs. A good deal the first trip. About 300 barrels at Bay Chaleurs and 200 at Magdalen Islands.

Q. Where then did you catch fish?—A. At Shippegan and Caraquet, right close in.

Q. Did you catch any at Bay Chaleurs in the center of the bay?—A. Seldom. There might be a spurt, but no continuous fishing. It is either one side or the other.

Q. Where did you get the other 500 barrels?—A. On the Cape Bre-

ton shore, between Margaree and Cheticamp. We got a few by Sydney, down by St. Anns.

Q. How far off shore were those taken?—A. Along shore. The usual places where they fish.

Q. How far off are they?—A. About two and a half miles. We caught them right in at Margaree Island. We got 100 barrels right in within a half mile of the island.

Q. Were there many in the bay that year?—A. There was a big fleet; 600 sail.

Q. Was yours an average catch that year?—A. We were above the average.

Q. Did you get a good price that year?—A. We got \$20 for 1's and \$13, I think, for 2's. But the last trip was \$15 and \$12. There was a good many mackerel landed and they kept them till the fall, and the price fell.

Q. In 1865 what vessel did you go in?—A. The Edward A. D. Hart.

Q. Did you go in the Julia Parsons more than one year?—A. Only one year.

Q. What did you catch in the Edward A. D. Hart?—A. 500 barrels.

Q. In 1866 what vessel?—A. The Edward A. D. Hart.

Q. What catch?—A. 450 barrels.

Q. Whereabouts?—A. On the same grounds.

Q. Were there many American vessels in the bay?—A. About 400 sail.

Q. In 1867 what vessel?—A. The Colonel Ellsworth, Gloucester, Robson, master. We made one trip and got 450 barrels. That was the whole season.

Q. In 1868 what vessel?—A. The A. M. Wanson, Gloucester, Captain Webber.

Q. How many barrels?—A. We made two trips and got 400 barrels.

Q. Where did you get them?—A. The first trip on the Canada shore—that is, off Bonaventure.

Q. You were up in the river St. Lawrence?—A. Yes, the south side of the river, off Perce and along that ground.

Q. Did you get a good many offshore?—A. I think we got 100 barrels offshore.

Q. The mackerel were how close in to Perce?—A. How do you mean? Two to two and a half or three miles.

Q. Were there many vessels in the bay that year?—A. Considerable many vessels in 1868. Four hundred sail.

Q. Then you caught off Bonaventure all inshore?—A. No, offshore. We caught 100 barrels about the first trip in June or July.

Q. Was yours an average catch?—A. I think it was rather above the average.

Q. The next year was '69. What vessel did you go in?—A. I was in the schooner Eliza R. Bradley, Richards, Gloucester; made two trips and got 170, I think, the first trip, and 80 barrels, something about that, the last trip.

Q. That was a good deal below the other years?—A. It was a poor year.

Q. Were the cutters in the bay that year?—A. Yes.

Q. Had they anything to do with your small catch?—A. I think they bothered us considerable.

Q. Explain how they bothered you.—A. Well, in our inshore-fishery they bothered us this much, that if we would go inshore and raise a school of fish, if we saw a suspicious vessel coming along we would

have to run away until the cutter got by and then go in again. It was a dread all the time.

Q. You didn't dare to go in!—A. We had to keep a safe distance.

Q. The result was you got a small fare!—A. Yes.

Q. Did it have the same effect on the other vessels?—A. With the fleet I was with it used to work in that way. When the cutters were away we would try to steal in.

Q. In 1870?—A. We didn't do much; about the same, I think; not so much. We made one trip, and got, I think, 160 or 180 barrels.

Q. The cutters were in the bay then too, I think?—A. Yes.

Q. In 1871, what vessel?—A. I was in an Island vessel.

Q. What was her name?—A. I was in the Octave, and got 600 barrels.

Q. In 1872?—A. I did no fishing at all.

Q. In 1873?—A. I was in the Charles Shears, Captain Kenny.

Q. How many barrels did you get?—A. 500 barrels.

Q. Were there many in the bay in 1873?—A. There were considerable; I should think 300 sail, anyway.

Q. In 1874 what vessel were you in?—A. The Victor, Gloucester, Captain Daniels.

Q. How many barrels?—A. 600 barrels—two trips. We took the first trip of the year on the west shore between Escuminac and along Prince Edward Island, close in. The last trip we got around East Point and Margaree.

Q. Taking the whole of the two trips, what portion was caught inshore?—A. Of the 600 barrels, I should think 500 were caught inshore. We never caught any mackerel in deep water at all; we might raise them, but not catch them to speak of.

Q. Were the American fleet fishing with you?—A. Yes.

Q. Taking them in the same places?—A. Yes.

Q. What proportion of all these do you think were taken within three miles?—A. I would consider three-fourths, during the time I have been catching, have been taken within three miles.

Q. That extends from 1862 to 1874?—A. Yes.

Q. At least three-fourths during that period?—A. Of all I have been connected with in any way.

Q. Or what you saw?—A. What I saw with my own eyes.

Q. Have you heard American captains talking over this question at all?—A. Certainly.

Q. What is their opinion?—A. They would say they could not do without the inshore fishery. They would say they wished it could be settled so that they would have the liberty of fishing.

Q. They have agreed with you?—A. Yes. There have been some years that certain vessels would fish off Bradley and Orphan, but if I were fishing I would not go unless I could have liberty.

Q. Do you think any prudent man would fit out unless he had liberty?—A. I don't think.

Q. Have you any doubt?—A. I think he would fail altogether. He would not pay his bills.

Q. You have been fishing in boats since then?—A. I have.

Q. Where do the boats fish around Prince Edward Island?—A. Within a mile and a half of shore.

Q. Has there ever been a better year for boats? Is it not counted one of the best years?—A. It is a good one. I have a brother fishing. I have seen him go ten days ago. He is in the Jamestown, from Glou-

ester—an American vessel. He says he thinks there are 180 American vessels in the bay.

Q. Haven't any of them made catches?—A. They had 100 barrels in four weeks in the bay.

Q. That is not so very bad?—A. That is very good.

Q. What do you say, as an old fisherman, is the outlook for this year?—A. Very good. I think they are going to do well.

Q. Where do the mackerel feed?—A. Along the shore there. There is a certain brit, or little kind of stuff, they feed on.

Q. Do you ever see that in the open waters?—A. No.

Q. When you catch mackerel can you see it when you open them?—A. Yes.

Q. Have you seen it with your own eyes?—A. Yes.

Q. There is no doubt about it?—A. No.

Q. What effect has this fishing of the American vessels upon the boats when they come in?—A. The Americans take all the fish away. They drag it right off. Of course they throw more bait than the boats do.

#### No. 59.

JOHN McDONALD, of East Point, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You have been engaged in the fisheries a good many years?—Answer. Yes.

Q. Fishing in boats and vessels I suppose?—A. I was in vessels fifteen or seventeen summers.

Q. In American vessels?—A. I was about fifteen years in American vessels.

Q. Beside that you have been in boats?—A. Yes.

Q. So your experience extends back a good while?—A. Yes. The Evangeline, from Gloucester, I was in first in 1853.

Q. What fare did you get in her?—A. About 300 barrels.

Q. How many American vessels were in the fleet that year?—A. There were five hundred or six hundred sail.

Q. What vessel were you in next year?—A. The Flying Eagle, Gloucester.

Q. How many did you catch?—A. 300 barrels.

Q. Was that the whole season's work?—A. No; only a short fall trip.

Q. Were there many sail in the bay that year?—A. About the same as the year before.

Q. What did you say that was?—A. 500 or 600.

Q. In 1855 what vessel were you in?—A. The Forest Queen, from Belfast, Maine.

Q. How many barrels did you get?—A. 300 about.

Q. Was that the season's work?—A. No, I was two months in her; part of the season's work.

Q. Where were you then?—A. Cod fishing in an Island vessel. I just went in her for that trip.

Q. What was the number of American vessels in the bay that year?—A. I think the same as usually went. There was a number of years that the fleet averaged the same.

Q. What was the average catch?—A. Our catch that year was below the average.

Q. What was the average catch that year?—A. Some made two trips and some made more. I have no idea what was the average.

Q. You know yours would be below it?—A. Yes, I am pretty sure of it.

Q. In 1856 what vessel did you go in?—A. I was in a British vessel, the Emerald, in 1856.

Q. How many mackerel did you get?—A. 300 barrels.

Q. How many codfish?—A. 450 quintals.

Q. Was there the same number of Americans in the bay that year?—A. Yes; I think there was.

Q. In '57 what vessel did you go in?—A. I was in the John Pugh, from Gloucester. The captain's name was David Bowen.

Q. How many barrels did you get?—A. 400 odd.

Q. Was the fleet about the same, or did it increase?—A. I think it was about the same; perhaps more.

Q. In '58 where did you go?—A. I was in the Pioneer, another English schooner, for codfish and herring. I was not mackereling in her.

Q. In '59 where were you?—A. I was in an English schooner, the James, mackereling. We got 300 barrels in her. I was part of the season in her. I left her.

Q. Would that be below the average catch for the season?—A. I should think so.

Q. From what you know of the catch of other vessels would, you say it was below?—A. Yes; because I know of vessels catching more.

Q. Had the American fleet remained the same or increased?—A. It was about the same, I suppose.

Q. Did you go the next year?—A. I was not then fishing until 1863.

Q. In '63 what vessel did you go in?—A. The Ianthe, Portland, Me.

Q. What were you doing; mackereling?—A. I was codfishing in her. We got 600 quintals.

Q. How many Americans were fishing for cod?—A. Where I was, 15.

Q. How many were in the bay codfishing?—A. I don't know.

Q. Well, did you go mackereling that year?—A. Yes, sir; in the Argo, Portland.

Q. How many did you get?—A. 500 barrels.

Q. I am forgetting to ask you where you caught those mackerel?—A. We got 500 barrels along the bend of Prince Edward Island, the biggest part of them.

Q. How far from the shore?—A. Right in, from one to two miles.

Q. That brings us to 1863—to 1864. Where were you then?—A. I was in the same schooner and got 400 barrels. We caught them around the island, the biggest part of them. About three-fourths at the island.

Q. Within a short distance?—A. Yes; close in—a mile or a mile and half; some handier.

Q. Was the American fleet in that year?—A. Yes; in about the same number and catching at the same places.

Q. In '65?—A. I was not fishing.

Q. In 1866?—A. I was in the Veteran, from Gloucester. We got 700 barrels.

Q. Where did you take them?—A. Inshore; some at Prince Edward Island, and some at Magdalen Islands; some at Margaree.

Q. What proportion of the whole 700 were taken close inshore?—A. All of three-fourths.

Q. How far off?—A. Some two miles and some one; perhaps some more than two miles.

Q. How many sail were in the bay then?—A. I suppose 500 sail; perhaps 600; between five and six hundred.

Q. Did they catch about the same quantity each vessel; would that be about the average?—A. I think so.

Q. Would the proportion taken by you inshore be a fair average for the American vessels?—A. Yes.

Q. You think all caught about the same?—A. Yes. It was a large fleet, and generally fished together.

Q. In '67 what vessel?—A. The Laura Seward. We got 550 barrels; the biggest part of them around the island one trip, and the next trip the whole of them at Margaree.

Q. Those would be all inshore?—A. Yes. We had to work off the ledge three times in one day; we went too close in.

Q. In '68?—A. I was in the Isaac Rich, Salem. We got 540 or 550 barrels.

Q. What proportion inshore?—A. The biggest part inshore; three-fourths; that was in the vessel I used to fish in. Some used to fish in deep water and some inshore.

Q. How many American vessels were in the bay that year, in 1868?—A. Between 400 and 500 sail.

Q. Was yours about an average catch?—A. Yes, about an average.

Q. Where were you in 1869?—A. In the E. Hudson, an English schooner.

Q. All the season?—A. No; I was only in her a spell.

Q. What was the catch?—A. We caught 140 barrels.

Q. How long were you in her?—A. Five or six weeks.

Q. You did not stay the season?—A. No.

Q. Where were those taken?—A. Around the island.

Q. Close in or out?—A. Close in. All we caught in her was about the island. We caught none in her outside the limits at all.

Q. In 1870?—A. I was in the Isaac Rich again. We got 450 barrels, taken about the island, some at Margaree.

Q. Did you take any outside?—A. Not in the Rich that year.

Q. In 1871?—A. I was in the Rich again. We got 400 barrels, the biggest part about Margaree, close in.

Q. Did you get any outside at all?—A. Some.

Q. What proportion did you get inside?—A. A few outside; it might be one-third.

Q. In '72?—A. I was in the Ida Thurlow, Gloucester. We got 300 when I was in her, around the island.

Q. Was that the last year?—A. That was my last year fishing. I was not long in her in '72.

Q. Now, during the twelve or fourteen years you were fishing you were in American vessels mostly. You fished down about Cape Breton, Prince Edward Island, the West Shore, Bay Chaleurs?—A. And Gaspé.

Q. How far off were you accustomed to fish from shore?—A. From one to two miles generally.

Q. Was that the custom of the rest of the American fleet?—A. Sometimes they fished three miles out.

Q. They would drift out, I suppose?—A. Yes; they would generally come in and heave to and drift out, and then get under way and work in again.

Q. Why did you run in shore after you got out?—A. Well, the mackerel slacked off biting, and we would beat inshore again.

Q. Taking the whole catch during the years you engaged, could you

state on oath what was the fair proportion taken within three miles?—A. I would say in the vessels I have been in three-fourths were taken from one to three miles of the land.

Q. You swear that in reference to vessels you were in whose names you have given; can you give the same statement with respect to the other vessels you saw fishing alongside? Have you any doubt that the result was the same?—A. No doubt at all.

Q. All the fish taken were in the same proportions?—A. Yes.

Q. If you were not allowed to come in at all, could you catch any outside?—A. I don't think it. They would take some outside, of course. I have heard of some being caught outside on Bradley and Orphan.

Q. It is a very rare exception, is it not?—A. O, I have heard of some catches; a good many. But I have never been in vessels that did catch any to speak of.

Q. You have been there?—A. Yes.

Q. You have been unsuccessful, haven't you?—A. No; I have made good trips.

Q. But on the Banks?—A. O, I have never caught anything to speak of on the banks.

Q. What is the general opinion of the American captains and fishermen of the relative value of the inshore and offshore fisheries?—A. The best fishing is inshore. The biggest part is inshore.

Q. Is that their opinion?—A. It is of most I have heard.

Q. Were you there when the cutters were there?—A. Yes.

Q. How did you get clear of them?—A. We watched them and cleared out.

Q. You would run the risk and go inshore after mackerel?—A. Yes; the cutter would be coming around a headland for instance, and we would be hove to inshore. We would see him coming and run off, and when he was far enough away we would go in again.

Q. You didn't go outside and try to take them?—A. No.

Q. Why?—A. We could not get them.

Q. You have been fishing some years in boats. Is that a very successful fishery?—A. Yes.

Q. Has it increased very much of late years?—A. Yes; very much, indeed.

Q. And has the fishing this year been good on the island?—A. Not so very good.

Q. Have you known of many American vessels being down in the bay?—A. Some time since, a person talking to me said there was a considerable number in.

Q. Do you know how many there are now? Do you know if any have taken good fares?—A. He has done well—that is, the person I spoke to, Captain Lee. He had 300 barrels, seining, when I saw him.

Q. That is not bad for this time?—A. That was the third time he shot his seine. He had 300 barrels.

Q. Supposing the American vessels were not allowed to come within three miles, do you think they could catch fish profitably outside?—A. I don't think they would go mackereling at all if that was the case.

Q. You don't think they would catch any fish?—A. They would catch some.

Q. How many?—A. I don't think they would come in the bay if not allowed to go inside.

Q. Why?—A. It would not pay.

Q. During the twelve or fourteen years of your experience, three-fourths were always taken inside?—A. Yes.

- Q. I believe all the boat-fishing is done within ?—A. Yes.  
Q. It is still so ?—A. Yes; the biggest part is done within one mile.

No. 60.

FRIDAY, September 7, 1877.

The Conference met.

THOMAS R. PATTILLO, fish merchant, of Liverpool, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson :

- Question. Are you engaged in the fish trade ?—Answer. Yes.  
Q. Do you own fishing vessels and boats ?—A. Yes. At present I am more directly engaged in trap-fishing.  
Q. How are your traps set ?—A. On the shore. They are used for the catching of bait.  
Q. What kind of fish do you chiefly catch ?—A. Mackerel and squid.  
Q. Squid are used altogether for bait, I believe ?—A. Yes.  
Q. Do Americans come in and get bait from you ?—A. Yes.  
Q. Do they make a constant practice of doing so ?—A. They do.  
Q. At what seasons of the year do they come in ?—A. Right along from the time when the traps are set. Last year they first came in about the first of August, and this year early in July.  
Q. Do not the herring strike in earlier than the 1st of July and August ?—A. Yes, but we were not in a position to put traps down earlier.  
Q. Why ?—A. We did not have our traps ready.  
Q. But the fish were there previously ?—A. Yes.  
Q. When do the Americans generally come in for bait in the spring ?—A. The earliest period that they come in where we are is the 1st of July.  
Q. What do they get this bait for ?—A. For cod and halibut fishing.  
Q. They come in and give their orders for the bait ?—A. Yes.  
Q. Do they come in in such numbers that their orders have to be entered in succession on the book ?—A. Yes.  
Q. And you serve them in their turn ?—A. Yes.  
Q. How long have they to lie to, in order to get bait ?—A. This year about a week has elapsed after their arrival, before we could fill their orders. The bait has to be fresh from the trap, and we supply them in their turn.  
Q. Is this the practice, as far as you are aware, along the coast ?—A. I think that it is.  
Q. When bait is taken for the Americans in nets, it must be caught after the order is given ?—A. Yes.  
Q. The fish for bait cannot be kept on hand in nets ?—A. No; they soon spoil in them.  
Q. The orders are given beforehand, and afterward, in order to fill the orders, you catch the herring ?—A. Yes.  
Q. Are quantities of herrings in this way procured for bait by the Americans in your neighborhood ?—A. I can only say this about it: If we could have obtained the bait this year in sufficient quantities, we estimate that we could have sold 2,000 barrels. Calls for it were made to that extent.  
Q. These orders were given beforehand, and the fish, after the orders were given, were taken ?—A. Yes.

Q. There is no such thing as a supply of herring being kept by merchants for the purpose of selling them to the Americans when they come in?—A. O, no; not with us. I do not know how it may be in other places. As far as I am aware, however, it is not the case on the coast.

Q. Do the Americans come in and fish themselves inside of two and three miles of the shore?—A. Not that I am aware of. They have, however, been catching some mackerel from their vessels this season in the harbor.

By Mr. Foster:

Q. For bait?—A. Yes.

By Mr. Thomson:

Q. You have mackerel on your shores?—A. Yes.

Q. Do they strike in, with you, about the 1st September?—A. They have been caught there this year all through August.

Q. Are there plenty of mackerel on your coast?—A. Yes; that was the case when I left Liverpool the day before yesterday.

Q. Did you then see the mackerel in the harbor?—A. I suppose I saw enough mackerel in one body to have supplied our county, and made us all rich. Apparently they extended in the water for half a mile; and they were so thick that they did not seem at all to mind the boats going amongst them. This was the case when I left there. This is the first big school which we have seen in that neighborhood for some little time.

Q. The mackerel are as numerous with you as they possibly can be?—A. Yes.

Q. Are cod, hake, and halibut taken on your shores?—A. Yes; also pollock and haddock and all descriptions of fish.

Q. How far from the shore are they taken?—A. They are caught by our own fishermen as near as a quarter of a mile from it, and often there is very good fishing and good net moorings close by the shore. Very good catches are made there. I knew one man who, this season, within 200 yards of the shore, took between 500 and 600 codfish before noon in the day.

Q. Are halibut taken inshore?—A. Not in any quantities; but occasionally they are so taken.

Q. But the pollock is an inshore fish?—A. Yes; they are taken quite close inshore.

Q. Where do you send your cured cod-fish?—A. To the West Indies principally.

Q. And what do you do with the salted cod?—A. We send some to the West Indies and some we consume ourselves.

Q. Do I understand you to imply that there is no traffic either in dried or pickled cod with the United States?—A. Our trade with the United States in this respect has been very trifling, and lately it has ceased. Some two or three years ago, however, some small shipments of large cod were made to the States.

Q. Was this a paying business, or did it pay better to ship them to the West Indies and England?—A. We thought it was better to send them to the West Indies. The only reason why they were then sent to the States was that it was late in the season, and the fish in question could not be cured. The fish used in the States do not require to be dried as much as ours, in order to complete their voyages; and so we called out the large fish and sent them to the States.

Q. Do you send much fish to the different ports in the Dominion?—A. No; not a great deal.

Q. Do you chiefly catch them for your own consumption and for the West Indian market?—A. Yes.

Q. Are many boats engaged in fishing in your neighborhood?—A. Yes; I think that about 300 are so engaged.

Q. Within what distance along the shore do you place that 300?—A. In Liverpool Harbor there are about 200, and all of them are owned within a distance of about seven miles.

Q. On either side of the harbor?—A. Yes; on the shore.

Q. Are these boats engaged in all kinds of fishing?—A. Yes; they fish for mackerel, hake, cod, halibut, and pollock.

Q. Why do the Americans come in and get the bait, which they sell them?—A. In order to use it in fishing. They ice the fresh bait and go to the fishing-grounds with it. They ice the bait for cod and halibut.

Q. Do you catch squid for them in the way you have mentioned?—A. Yes.

Q. They prefer squid over other bait, I suppose?—A. Yes.

Q. Could they carry on the deep-sea cod-fishery if they could not so obtain bait?—A. They could not do so well as is now the case.

Q. Could they do so at all successfully?—A. No.

Q. How often do they come in for bait in the course of the season?—A. We had one vessel in, I think, five times, and another three times, and a third twice.

By Mr. Foster:

Q. This season?—A. Yes—so far.

By Mr. Thomson:

Q. I suppose that this is a sample of the general run?—A. Yes. Others have come in there for bait, and been unable to secure it, and consequently they have had to proceed farther for it.

Q. You were not able to fill the orders which were presented?—A. Yes; bait was not sufficiently numerous for the purpose.

Q. Where did they go?—A. To the eastward along the coast. Nine vessels left there in one day last week, having been unable to get bait, though they had laid at the place for 5 or 6 days. I think that there were about 17 vessels, our own and American, in. We baited what we could, but 9 of them so went away.

Q. Were these 9 all American vessels?—A. Yes.

Q. Out of the 17, how many were American?—A. I think 13.

Q. They could not wait for their turn?—A. No. Bait had slackened off, owing to an east wind and rough weather. A fortnight ago to-day, we baited 5 American vessels.

Q. How many barrels each?—A. One took 20, and another 15 barrels; but I forgot what the other two bought.

Q. I suppose that you have conversed with American skippers?—A. Yes.

Q. Did they ever tell you that they could not carry on the fishery if they could not secure bait in this manner?—A. They told me that they could not do so successfully, lacking this privilege.

Q. I believe that none of your people go to the American coast to fish?—A. Not in vessels, to my knowledge.

Q. They do not send either their vessels or boats to fish there?—A. They do not, from our port.

Q. Are you aware of any of our people anywhere going there to fish?—A. No. I am not, personally.

Q. Then in your opinion the privilege of fishing in American waters is of no value to us at all?—A. No; I should think not.

By Mr. Foster:

Q. I take it that the difficulty you experience in supplying the Americans with bait is rather due to the fact that you have not sufficiently numerous facilities for catching fish, and the short supply of fish!—A. Yes; the supply has been short at times. The winds often interfere with the catch.

Q. If it was not for the fish being temporarily driven off by bad weather, would the supply at your place be abundant!—A. Generally—yes.

Q. As a rule, unless the weather interferes with the catch, there will be fish enough caught!—A. Yes. It largely depends on the number of applications for it. Sometimes vessels come in and have to wait a little, or they find that we have not a sufficient quantity of bait, and proceed farther on.

Q. How many establishments and traps are there there!—A. Two.

Q. Suppose that there were half a dozen, and that you were to extend your business, there are fish enough in the sea for the purpose!—A. Yes.

Q. The only trouble is, that there are not people enough carrying on the business to prevent customers having to wait for their turn!—A. Yes; that is it.

Q. These vessels which come for bait are all bankers I suppose!—A. Yes.

Q. During how many months do they come to your place for bait!—A. I can only speak from experience during last year in this regard; and the last day we hauled our traps, November 18, or the day previous, vessels were there for bait.

Q. They so come from July to November!—A. Yes.

Q. And how many vessels did you supply during that time!—A. Last year I think we only supplied 14, and they were all American vessels.

Q. How many times did you supply them!—A. Some of them we supplied three times.

Q. How many supplies of bait did you furnish them all!—A. I think 19.

Q. You furnished 19 supplies of bait last year!—A. Yes.

Q. How many supplies were furnished by the other concern!—A. We had only one trap last year. It was not generally known at the time that we could supply bait.

Q. And since you have advertised in the Gloucester papers, your business has increased!—A. Yes.

Q. How many vessels have you this year supplied up to the present time!—A. Twenty-two; and we had forty-three applications, which we could not fill. They have been so anxious to obtain bait, that they have even run one another in the price. Some vessels only require a small quantity—7 or 8 barrels—compared with others.

Q. Why is that the case!—A. They get part of their bait from what they call the offal of cod and hake, on the halibut grounds. They use this to catch halibut, and get their first supply from the main shore.

Q. Do they not so catch cod!—A. No, only halibut, except on the Grand Banks, but they do not do so on our ordinary banks.

Q. To what banks do the fishermen whom you supply with bait resort!—A. They chiefly go to the Western Banks, to Banquereau, and to our own off-shore banks. The halibut is a deep-water fish, and it is taken in 90 fathoms of water and upwards.

Q. You do not know of any inshore halibut fishing done by Americans, which amounts to anything!—A. Not inside of 90 fathoms of water.

Q. Do you understand that the halibut fishery is substantially everywhere a deep-sea fishery?—A. Yes.

Q. Occasionally a halibut may be caught inshore as a boy may catch a codfish off the rocks, but pursued as a business, halibut are caught in the sea?—A. Yes; in deep water.

Q. How deep did you say?—A. The fishery is most successfully prosecuted in about 90 fathoms of water, and late in the season in as much as 150 fathoms.

Q. What do you do with your herring, when you cannot sell them to the American fishermen?—A. We cure them.

Q. In what way?—A. We salt them, or supply them to our own people, when they want them.

Q. Do you smoke any of them?—A. Yes; but very few.

Q. What becomes of your salted herring?—A. We send them principally to the West Indies.

Q. Do any go to the States?—A. None of ours go there.

Q. Is this business just beginning?—A. Yes; we have pursued it during two years.

Q. We have had hard times during the past two years, and business is now starting up in new channels?—A. Yes; I have been interested in seine fishing for 20 years. I have had three seines for mackerel and herring. They were shore seines.

Q. What have you done with the herring which were caught in the seines?—A. I have salted them.

Q. What have you done with the mackerel so caught?—A. The fat mackerel were chiefly sold in Halifax, and the poor ones in the West Indies.

Q. If sold in Halifax, I suppose they were bought to send to the States?—A. I canot say.

Q. Have mackerel been plentiful in your vicinity during the past few years and up to the present time?—A. Last year for about a fortnight they were very plentiful. During the first half of September, they were very abundant.

Q. Were Americans fishing there then?—A. No; not for mackerel.

Q. Are Americans fishing for mackerel there now?—A. Not as a business. They were, however, fishing some for mackerel the other day for bait.

Q. During how many years have you known of any considerable American mackerel fishing being done in your vicinity?—A. I have never known a great deal to be done there, no more than running out sometimes when the fish were found schooling in the neighborhood, and up on their way home, which was generally late in the fall. If the fish are going westward, the vessels go out and meet them; but as to what quantity is so taken, I have no idea.

Q. No considerable quantity has been ever taken?—A. No. As a general thing, when these fish are moving along our coast, they will not bite.

Q. Has there been any purse-seining done by Americans in your vicinity?—A. Not that I am aware of.

Q. When these vessels were fishing for mackerel the other day, they were taking bait?—A. Yes.

By Hon. Mr. Kellogg:

Q. What do your people do with the hake they take?—A. They ship some to the West Indies and some to Halifax.

Q. Cured?—A. Yes; dried.

By Mr. Thomson :

Q. Do the Americans buy a good deal of ice from you ?—A. Yes; they have purchased a great deal of it this year.

By Mr. Foster :

Q. How many ice houses are there in your neighborhood ?—A. There are a good many, but they are small ones. I can tell the quantity of ice better than the number of ice houses. This last year about 300 tons of ice were put up there for the purpose of selling it to the Americans and others. The Americans buy the greatest part of it.

Q. This is a business which your people solicit and desire ?—A. No. The Americans, I think, come of their own accord for it.

Q. Has the fact of it being so obtainable been advertised in American paper ?—A. I think so.

Q. It is a business got up to make money out of the Americans ?—A. I cannot say that. I suppose that they want to make it profitable.

By Mr. Thomson :

Q. They sell it to anybody ?—A. Yes. I want it to be understood that I myself have no interest in this ice business. It is put up by other parties, and when fishermen apply for bait, of course I tell them where they can procure ice. Vessels come there from other ports and run in for ice. Instances have occurred of vessels, on passing up with fresh halibut, finding that their halibut are spoiling, and coming in there to procure ice.

Q. To save these cargoes ?—A. Yes.

Q. And if they had not so been able to obtain ice, their halibut would have spoiled ?—A. The halibut would then have soured, of course.

#### No. 61.

JOHN R. MACDONALD, fisherman, of East Point, P. E. I., was called on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Davies :

Question. What is your age ?—Answer. Thirty-two.

Q. How long have you been engaged in fishing ?—A. About 17 years.

Q. Are you engaged in the fishing business now ?—A. Yes; I am so doing business in New London.

Q. In what capacity ?—A. I am master of a stage.

Q. What does that mean ?—A. I just look out for the boats and have charge of the whole thing.

Q. That is, a merchant has a stage, and a number of boats employed to catch fish, and you are his hired man there ?—A. Yes. About forty men are so engaged, and I look after these men and the store, and the fishing and the curing of the fish.

Q. How many boats have you ?—A. Six.

Q. How many men are there in each boat ?—A. In some there are four, and in others five.

Q. Do these boats fish right off New London Harbor ?—A. Yes.

Q. How many boats altogether are there in New London Harbor ?—A. I came there this spring a stranger to the place; but I am told that there are about 155 boats in the place.

Q. Previous to going there, were you fishing in vessels ?—A. Yes.

Q. Where do these boats catch their fish ?—A. Right off the harbor.

Q. How far out ?—A. One mile or two miles.

Q. Are all the fish taken within three miles of the shore?—A. None of the boats go out as far as three miles.

Q. Then all the fish taken by them are caught within three miles of the shore?—A. Yes.

Q. What is the average catch of one of these boats of yours?—A. I could not tell you. We have got six boats, and we got 19,000 fish during one day.

Q. Can you, in barrels, give an idea as to the average catch of one of these boats during the season?—A. I know what we have taken this year with these six boats; we have shipped 412 barrels.

Q. Already?—A. Yes.

Q. Is this a good fishing season?—A. I think that it is very good. The first part of it was very good, but lately there has not been much done.

Q. And you have caught 412 barrels already?—A. Yes. We shipped them about the 26th of last August.

Q. Would you call this a good fair season?—A. Yes; this is a good average season.

Q. Are many American vessels there?—A. Yes; a good many.

Q. How many American vessels are there in the gulf?—A. I could not tell you. I have seen perhaps a dozen of a day, and perhaps twenty during that time.

Q. Fishing off New London Harbor?—A. Yes.

Q. How far from the shore?—A. About one or two miles.

Q. Is that the distance from the shore within which they usually fish?—A. I think so.

Q. What has your experience been in this respect?—A. I always found the best fishing within two miles of the shore.

Q. Have you been a master of a vessel?—A. Yes; during eight years.

Q. Have you fished in American vessels?—A. Yes.

Q. For how many years?—A. I think six or seven.

Q. Can you give the names of these vessels?—A. The first one was named the *Fashion*.

Q. When did you go fishing in her?—A. Thirteen years ago, I think.

Q. Do you remember the captain's name?—A. It was *Stapleton*.

Q. Edward Stapleton?—A. Yes.

Q. You knew him?—A. Yes.

Q. You were one of the hands on board of the vessel?—A. Yes.

Q. When did you go fishing in her?—A. I forgot the time when we left Gloucester, but I think it was in July.

Q. Did you get a good catch that year?—A. Yes; we did very well. We made three trips.

Q. How many barrels did you catch?—A. I think we took about 250 barrels the first trip.

Q. Did you get full fares each trip?—A. Yes, pretty nearly, except the last time.

Q. Her full fare was about 250 barrels?—A. Yes; she was a small vessel.

Q. Was Stapleton then an experienced man?—A. I do not think that he was.

Q. Why?—A. Because I had to take charge of her for the first trip, although I was not master. I had to bring the vessel down to the bay.

Q. Did he understand fishing in the bay when he came down?—A. No, I do not think that he did.

Q. Had he been in the bay previously?—A. I do not think, judging from his manner at the time, that he knew anything about the bay.

Q. By what route did you come?—A. We came through the Strait of Canso and around East Point, and up to the Bay of Chaleurs. I see that he has made a statement about the 4th of July which is very incorrect.

Q. You have seen that statement?—A. Yes.

Q. Where did you catch your fish at the time?—A. We took the first trip in the Bay of Chaleurs and off Miscou.

Q. Did you fish close to or far off from the land?—A. We fished anywhere along shore, within 2 or 3 miles of it.

Q. In the Bay of Chaleurs and off Miscou?—A. Yes.

Q. And where did you obtain the second trip?—A. Off Prince Edward Island, from North Cape down to East Point.

Q. And where did you catch the third trip?—A. Off Port Hood and Margaree.

Q. Stapleton gave us to understand that these fish were taken something like 8, 10, 12, and 14 miles off the shore, just within sight of land? Is that statement correct?—A. No.

Q. You are perfectly certain on that point?—A. Yes, I am very certain about it; for I had charge of the vessel, I may say, during that whole summer.

Q. And you know the special locality in which each trip was made?—A. Yes.

Q. And you say that these fish were taken within 2 and 3 miles of the shore in the Bay of Chaleurs, around the island, and off Cape Breton?—A. Yes. His statement on these points is incorrect.

Q. Were you with Stapleton more than one year?—A. No.

Q. What was the name of the next American vessel in which you fished?—A. The Winged Arrow.

Q. Where was she from?—A. Gloucester.

Q. What year was that?—A. I do not precisely recollect, but it was the second year after I was with Stapleton.

Q. That would be 12 years ago?—A. It was about 11 years ago.

Q. Did you come down to the bay in the spring or summer?—A. I think that we left Gloucester on the 4th of July.

Q. That is the time when fishing-vessels generally leave there?—A. Yes.

Q. What did you do that season?—A. We did very well. We made two trips, I think.

Q. How many barrels did you catch?—A. I think about 280 or 300 barrels, on the first trip.

Q. And how many the second trip?—A. I think about the same number.

Q. Where did you take them?—A. We brought one trip into the Strait of Canso and shipped it.

Q. Where did you catch them?—A. All along Prince Edward Island; we also took some at the Magdalen Islands.

Q. Did you get many there?—A. I would think that we caught about half of the trip over there and the other half off the island and Margaree.

Q. What was the name of the next American vessel in which you were?—A. The Sunnyside, from Gloucester.

Q. How many trips did you make in her that season?—A. I think three. She was a small vessel of about 45 or 48 tons.

Q. What did you get during your three trips?—A. We caught about 250 each trip.

Q. You got full fares?—A. Yes.

Q. Where?—A. We took one trip off Sydney and the other two trips off Prince Edward Island and Margaree.

Q. How far from the shore?—A. I guess about 2 miles. However we may have caught a few perhaps when crossing from the Magdalen Islands to North Cape and Bradley.

Q. About how many did you catch outside of the three-mile limit?—A. We took most of the fish inside of three miles from the shore. I may say that we got them all inside of the three-mile limit.

Q. How many barrels would you say that you caught outside of that limit?—A. Perhaps about 20 or 30 barrels, on Bradley and Orphan Banks. When making the passage, we might perhaps heave to, and if the day was favorable we would catch a few and proceed.

Q. Was it customary for American vessels to fish in deep water, or did they make it a point to fish close in to the shore?—A. I think that they made a practice of fishing inshore.

Q. What was your experience?—A. My experience has been that they made a practice of fishing inshore. This was the case with all the vessels in which I ever was.

Q. What was the name of the next vessel in which you were?—A. The Corsair, an island vessel.

Q. How many did you catch in her?—A. I think about 200 and some odd barrels.

Q. Was she a small vessel?—A. Yes. She was of about 30 or 38 tons.

Q. She was very small?—A. Yes.

Q. Where did you catch them?—A. All inshore, along Prince Edward Island and some in the Bay of Chaleurs.

Q. Is it customary to fish in the center or along the shore of the Bay of Chaleurs?—A. We fish there just along the shore. I hardly ever saw any one fish in the middle of this bay.

Q. What did you do next?—A. I went fishing in the Octavia.

Q. An island vessel?—A. Yes. She belonged to a Mr. Owens, of Charlottetown.

Q. How many trips did you make in her?—A. Three.

Q. Did you do pretty well?—A. Yes; reasonably well. I think that we got 290 barrels the first trip and something like 760 barrels during the three trips.

Q. Did you confine your fishing to the island?—A. No. We made the first trip in the Bay of Chaleurs right close inshore; and we caught the next two along the shores of the island and off Cape Breton and Nova Scotia.

Q. All close inshore?—A. Yes.

Q. In what vessel did you next go? In the Lettie?—A. Yes; and I went shore fishing at Rustico one summer. I was in charge of a stage for Mr. Hall.

Q. And after you had had charge of this stage, what did you do?—A. I went fishing in the Lettie.

Q. How many seasons did you stay in her?—A. Two.

Q. Did you make good catches in her?—A. Yes; we did very well.

Q. How many did you catch?—A. I think about 450 and 480 barrels.

Q. Each year?—A. Yes.

Q. Where did you catch them?—A. All inshore.

Q. In what vessel were you afterwards?—A. The George S. Fogg.

Q. An island vessel?—A. Yes; she was so then.

Q. Was she a small or large vessel?—A. She was a large vessel—one of about 103 tons.

Q. How many trips did you make in her?—A. Two.

Q. How many fish did you catch?—A. I think about 700 and some odd barrels.

Q. Where were they caught?—A. All inshore.

Q. In what part of the Gulf?—A. Along Prince Edward Island. We got very few outside the three-mile limit.

Q. Were you in any other vessel? Were you in the Little Bell?—A. Yes.

Q. An island vessel?—A. Yes.

Q. Of how many tons was she?—A. I think about 38; she was a small vessel.

Q. And what did you catch in her?—A. We did not do much in her. We got 120 or 140 barrels.

Q. Why did you not do much?—A. It was a poor season, and the mackerel did not bite.

Q. And where did you take the fish which you caught?—A. We made the best of the catch in Antigonish Bay, off Cape George.

Q. How far off?—A. About a mile off shore.

Q. Having been for a good many years in the bay in American vessels, can you give the Commission an idea as to the number of American vessels which came down to fish there year after year, off and on?—A. It is pretty hard to tell that. I suppose some years there would be 100 sail, or 200, or 300 sail. I suppose that I have seen as many as 300 vessels at one time gathered together in one place in the bay.

Q. And you cannot tell how many vessels altogether have come down to the bay?—A. No; but I have seen as many as 300 vessels in one place at one time.

Q. What has been your experience, when you were fishing on British and American vessels, as to the distance that the fleet caught their fish off shore?—A. I may say that all the vessels I ever saw fishing caught their fish inside of three miles of the shore; very few were taken outside of that limit.

Q. But some were taken outside?—A. Of course; they might get some fish on Bradley and Orphan Banks, and while making the passage between East Point and the Magdalen Islands vessels may heave to and catch a few barrels.

Q. Some catches are made there, I believe?—A. Yes; but only while making the passage.

Q. What proportion of the whole catch was taken inshore, in your experience.—A. I could not tell you that, but almost all the fish I ever caught were taken inshore, inside of three miles off the coast.

Q. Do the American fishermen, when they come to fish, injure the boat-fishing?—A. Yes.

Q. How?—A. This is due to the fact of their having so much more bait than the boats, and by throwing it out; they glut the appetites of the mackerel.

Q. Do the boat fishermen like to see the vessels come?—A. No.

Q. They think that the coming of these vessels injures their prospects?—A. Yes; last week the vessels did a great deal of injury to our boats off New London.

Q. How?—A. By coming in and heaving out a great quantity of bait. Our boats did not have as much, and the vessel fishermen so glutted the mackerel that they would not bite.

Q. Speaking as a practical fisherman, if you were not allowed to come

within three miles of the shore in the bay of St. Lawrence to fish, would you invest money in the business?—A. No.

Q. Do you think that the Americans would come at all on our waters to fish if they were not allowed to fish within three miles of the shore?—A. I do not think that they would.

Q. Have you ever conversed with them on the subject?—A. Yes; and I have also been fishing with them within the limit when we were not allowed to fish inside of three miles from the shore.

Q. Were cutters in the bay at the time?—A. Yes.

Q. What did the American vessels do then?—A. When they saw the cutters I suppose they would leave.

Q. But the presence of the cutters did not prevent them from slipping inside of the limits to fish?—A. No; when a gun is fired, it frightens the mackerel, and makes them descend, and after such a thing happens they cannot be caught. I know that this is a fact, because I was witness of it and from having fired guns where they were.

Q. Will thunder have the same effect on these fish?—A. Yes; just the same effect.

By Mr. Dana:

Q. You said that the statement made by Captain Stapleton, of the Fashion, respecting the 4th of July, was not true?—A. Yes; and it was not true.

Q. What statement did he make respecting the 4th of July?—A. Whatever statement he made it was not true, for we were up in the Bay of Chaleurs on that 4th of July; on that very day.

Q. Is that the statement he made respecting it?—A. It is in that statement. I do not recollect it now, but I saw it last night.

Q. Do you remember just now when you said that it was not true?—A. Of course, I do not remember it very well, but I know that the statement which he made was not true.

Q. How do you know what statement he made?—A. Because I was with him.

Q. When he testified here as a witness?—A. I saw the statement last night.

Q. Where?—A. I had the statement with me, and I read it.

Q. Was it in print?—A. Yes.

Q. Would you tell us what it was that he said?—A. I forget what he said, but I know where he was, for I was with him that very day.

Q. Do you know where you were on the 4th of July that year?—A. Yes.

Q. Where did he say that he was?—A. I forget, but I know where we were. We were that day off Paspebiac.

Q. Did he say at all where he was on the 4th of July that year in the Fashion?—A. Yes; I saw it in the statement he made, and it is very untrue. There is hardly one word in his statement which is true, for I have been with him, and I ought to know.

Q. Is there anything in his statement relating to the Fashion, except a very few words in the early part of it?—A. There is hardly one word of truth in it.

Q. In the whole deposition?—A. Yes.

Q. How long a period of time does it cover?—A. It relates to the year when he was in the Fashion.

Q. Do you think that the whole deposition relates to the year when he was in the Fashion?—A. Yes; the first of it does.

Q. How much of it does so? A. Here is his first statement. He

stated that we commenced fishing off North Cape, but we never tried there at all.

**Mr. DANA.** The portion of the deposition in question is as follows:

Q. And thirteen years ago you commanded a vessel which was engaged in mackerel fishing?—A. Yes, she was called the *Fashion*.

Q. She was from Gloucester?—A. Yes.

Q. What was her tonnage?—A. I think it was somewhere about 46 tons. She was a small vessel.

Q. Who owned her?—A. George J. Marsh and Frank Holmes.

Q. During how many years were you in her?—A. I was in her one season.

Q. In what vessel did you next ship?—A. The *Laura Mangan*.

Q. Was she also from Gloucester?—A. Yes. George Marsh owned her.

Q. For how many years were you mackerel fishing?—A. I have been for ten years master of a vessel.

Q. In what year did you make your last mackerel trip?—A. In 1873.

Q. The year of the great gale?—A. Yes.

Q. Where did you fish when you fished for mackerel?—A. In the Bay of St. Lawrence, around the Magdalen Islands, and Banks Bradley and Orphan.

Q. Generally state what course you were expected to pursue when you left Gloucester on a trip to catch mackerel?—A. We used generally to run down the Nova Scotia shore and go through the Straits of Canso. We stopped, however, at this strait to get wood and water, and then proceeded up to North Cape in sight of Prince Edward Island, and off Bonaventure.

Q. Where did you begin to fish?—A. We generally used to try broad off North Cape—nearly northeast off North Cape on Prince Edward Island.

Q. Off which part of the island?—A. Off the northwest part.

Q. Where is Bonaventure?—A. It is over off the Gaspé coast. It is just outside of Gaspé.

Q. And how far from the land did you begin to fish off the North Cape?—A. The land would be just in sight.

Q. And how far off Bonaventure did you fish?—A. We used to run so as to see the hills.

Q. Is there a bank in this quarter?—A. Yes, Bonaventure Bank.

Q. How far from the land is it situated?—A. I should think that it is twenty miles off shore, or about that.

Q. Where did you go from Bank Bonaventure?—A. Well, we went down off the west shore, off what we call the Pigeon Hills; we would be about 12 or 15 miles off shore.

Q. Where are the Pigeon Hills?—A. On the Canadian shore at that point.

Q. How far would you be from the shore?—A. I should think about 15 miles.

Q. Would you lie off Shippegan?—A. We would be broad off Shippegan.

Q. And how far from the shore?—A. From 15 to 16 or 17 miles.

Q. Where did you go next?—A. About the 1st of July we generally struck up along the coast and across to Magdalen Islands. We generally calculated on fishing there on the 4th of July.

Q. Did you understand he stated that he was in the *Fashion* that year off the Magdalen Islands?—A. We were then in the Bay of Chaleurs.

Q. Did you understand he swore he was in the *Fashion* at the Magdalen Islands on the 4th of July?—A. Yes.

Q. Who told you so?—A. It is in this statement.

Q. Do you understand that he refers to the *Fashion*?—A. Yes.

Q. Did you read all the statement of Mr. Stapleton yourself?—A. Yes.

Q. Of how many pages did it consist?—A. I could not tell you.

Q. Did it consist of more than one?—A. I cannot tell you whether I read one page.

Q. Did you read one whole page of it?—A. I do not know as I did.

Q. Did you read two pages of it?—A. I could not tell you whether I read one or two pages of it.

**Mr. DANA.** There are ten pages in this deposition, and I read what he says about the 4th of July, but there is nothing in it about the *Fashion*, except in his first few answers. He was then asked about his ten years' experience.

**Mr. DAVIES.** Do you state that to the Commission as a fact?

**Mr. DANA.** I speak of what is here.

**Mr. DAVIES.** I think that his general statement includes the year when he was in the Fashion.

**Mr. DANA.** That is matter of argument.

**WITNESS.** I can give you a better statement about the year when I was in the Fashion. I can just tell you all about it.

**Mr. DANA.** The deposition in this respect is as follows :

Q. And thirteen years ago you commanded a vessel which was engaged in mackerel-fishing?—A. Yes. She was called the Fashion.

Q. She was from Gloucester?—A. Yes.

Q. What was her tonnage?—A. I think it was somewhere about 46 tons. She was a small vessel.

Q. Who owned her?—A. George J. Marsh and Frank Holmes.

Q. During how many years were you in her?—A. I was in her one season.

Q. In what vessel did you next ship?—A. The Laura Mangan.

Q. Was she also from Gloucester?—A. Yes. George Marsh owned her.

Q. For how many years were you mackerel-fishing?—A. I have been for ten years master of a vessel.

Q. In what year did you make your last mackerel trip?—A. In 1873.

Q. The year of the great gale?—A. Yes.

Q. Where did you fish when you fished for mackerel?—A. In the Bay of Saint Lawrence, around the Magdalen Islands, and Banks Bradley and Orphan.

Q. Generally state what course you were expected to pursue when you left Gloucester on a trip to catch mackerel?—A. We used generally to run down the Nova Scotia shore and go through the Straits of Canso. We stopped, however, at this strait to get wood and water, and then proceeded up to North Cape in sight of Prince Edward Island, and off Bonaventure.

Q. Where did you begin to fish?—A. We generally used to try broad off North Cape—nearly northeast off North Cape on Prince Edward Island.

Q. Off which part of the island?—A. Off the northwest part.

Q. Where is Bonaventure?—A. It is over off the Gaspé coast. It is just outside of Gaspé.

Q. And how far from the land did you begin to fish off the North Cape?—A. The land would be just in sight.

Q. And how far off Bonaventure did you fish?—A. We used to run so as to see the hills.

Q. Is there a bank in this quarter?—A. Yes; Bonaventure Bank.

Q. How far from the land is it situated?—A. I should think that it is twenty miles offshore, or about that.

Q. Where did you go from Bank Bonaventure?—A. Well, we went down off the west shore, off what we called the Pigeon Hills: we would be about 12 or 15 miles off shore.

Q. Where are the Pigeon Hills?—A. On the Canadian shore at that point.

Q. How far would you be from the shore?—A. I should think about 15 miles.

Q. Would you lie off Shippegan?—A. We would be broad off Shippegan.

Q. And how far from the shore?—A. From 15 to 16 or 17 miles.

Q. Where did you go next?—A. About the 1st of July we generally struck up along the coast and across to Magdalen Islands. We generally calculated on fishing there on the 4th of July.

Q. What did you next do?—A. We always finished up the season at the Magdalen Islands; and along late in the fall we would go to Margaree and Cheticamp. We would probably stay there for a week or ten days.

Q. During how many years did you successfully follow the mackerel fishery?—A. I was master of a vessel during ten seasons.

Q. And during these 10 seasons, how far from the shore did you take the greater part of your fish?—A. We got the most of them off shore—10, 12, 15, or 16 miles off shore.

I think I am perfectly correct in saying that this is a general statement, and I don't think that my learned brother will deny it. It does not specify the Fashion.

Q. Do you know what Mr. Stapleton did after he left the Fashion during the ten years that he was master of the vessel?—A. No.

Q. You do not pretend to contradict that?—A. No.

Q. Did you yourself read any of this printed statement?—A. Yes.

Q. Was any statement made to you as to what he had stated?—A. No; I saw what he stated.

Q. And you think that you did not read a page of his statement?—A. Yes.

Q. And when you say he did not speak the truth about the 4th of July, you meant to say that the Fashion was not off the Magdalen Island on the 4th of July?—A. No; she was not. I know as well as I know that I am sitting here that she was not.

Q. How old were you when you were on board of the Fashion?—A. I suppose that I was about 17.

Q. On what fishing voyages had you previously been?—A. I was on a vessel owned in Boston, and on an island vessel; I know that this was 18 years ago this summer. One vessel was called the Corsair. This was the first vessel in which I ever was.

Q. How long were you in her?—A. I went in her some time in July, and I remained in her until September.

Q. You were in her for about two months?—A. I think so.

Q. In what capacity?—A. As a fisherman.

Q. And you were then about 15 years of age?—A. I was 16 or 17.

Q. What was the name of the next vessel in which you were?—A. The Idaho, an island vessel.

Q. Where was she owned?—A. In Charlottetown.

Q. How long were you in her?—A. About three months, I think.

Q. In what capacity?—A. As a fisherman. I went up nor'ard in her seining.

Q. Where did you go in the Boston vessel?—A. In the Bay of Chaleurs, and all around Prince Edward Island.

Q. Did you return to Boston in her?—A. No; I was discharged on the island.

Q. And then you went mackerel-fishing for two or three months in the Idaho?—A. Yes.

Q. Did you leave her in Charlottetown?—A. Yes.

Q. Where did you ship on the Boston vessel?—A. At Rustico.

Q. Then you had about two months' experience on the Boston vessel, and two or three months' experience on an island schooner; now, do you say that under these circumstances you took charge of the Fashion?—A. No; I had no charge of the Fashion, but I had to take charge of her.

Q. Did you take her out of the captain's hands?—A. Yes; I had to so.

Q. Did you do this at his request?—A. We had to look out for ourselves and do the best we could.

Q. Did the crew ask you to take charge of her?—A. No; the captain went to bed and we had to take charge of her.

Q. Were there other people on board of her from the provinces?—A. There were other people on board who belonged to Gloucester.

Q. How many of the crew belonged to the provinces?—A. I cannot exactly tell.

Q. How many were on board altogether?—A. I think 14; 14 or 15. I do not think that there were any on board from the island, myself excepted; but there might have been one or two.

Q. Were you the oldest man on board?—A. No.

Q. Were you the youngest?—A. I might have been.

Q. Were there any people from British America on board besides yourself?—A. There were some Nova Scotia people, I think.

Q. How many?—A. I cannot say.

Q. Were they fishing before that?—A. Yes; I think so.

Q. Were there on board men from the States and other countries?—A. I could not tell you where they were from.

Q. And they did not ask you to take charge of the vessel?—A. No.

Q. And the captain did not do so?—A. No; I know that the first day we went out he went to bed.

Q. Did he lie abed the whole trip?—A. Well, he fished sometimes.

Q. When did he turn out?—A. Perhaps he did so that day or that night; I never kept any count in this respect.

Q. But you were on board?—A. Yes.

Q. And the captain may have turned out during the night?—A. Yes; for all I know.

Q. Did he not take any charge of his vessel after that night?—A. No.

Q. What do you mean when you say that you had to take charge of the vessel?—A. Well, I brought the vessel to Canso.

Q. Did you navigate her?—A. Yes.

Q. Do you know anything about navigating at sea?—A. Yes.

Q. Did you know anything about it then?—A. No; I navigated her out of my own head. I took a table-fork, and breaking off the third prong, made the voyage with its aid. We had no dividers on the vessel. I shipped in her among the rest of the fellows, and the poor fellow Stapleton knew nothing about the vessel, or where to bring her, nor did I at the same time.

Q. How, then, did you get anywhere?—A. When we got outside I undertook to manage her.

Q. And then you knew nothing about navigation?—A. No; nothing.

Q. And you did not have a pair of dividers aboard?—A. No. I made a pair, however, out of a three-pronged fork, and brought her into Canso.

Q. Did you not ask any of the other men to help you?—A. I do not know that any of the crew were older than I.

Q. And you were 17, at the most, at the time?—A. I suppose that I was 17 or 18.

Q. When were you born?—A. I cannot tell you exactly, but I was 32 years of age last June.

Q. You state that you were probably the youngest on board, and you did not ask any older persons to help you?—A. No.

Q. Do these vessels have an extra master called the mate?—A. No; no vessel in which I have ever been has had one.

Q. They have only a master and man?—A. Yes.

Q. Who keeps watch when the master is not on deck?—A. They generally set a watch of two men at a time.

Q. Where did you ship on board of the Fashion?—A. At Gloucester.

Q. How did you get to Gloucester?—A. I was in Virginia that winter, and I came down to Gloucester in the spring.

Q. What were you doing in Virginia?—A. Lumbering.

Q. Did you go there by sea?—A. Yes; I sailed on board of a brig owned in Boston, and went to Baltimore.

Q. How did you come to Gloucester from Virginia?—A. By train.

Q. How long were you engaged in lumbering?—A. All the winter. I was working at a place called Murray Creek.

Q. To what port did the ship in which you had been go?—A. I cannot say. I went to Baltimore in this bark; I left her there, and have not seen her since. I went from Baltimore to work at lumbering.

Q. How far were you then from Baltimore?—A. Forty or fifty miles, I think.

Q. Was the war over at that time?—A. No.

Q. Were you in the lines of the rebels or of the government?—A. I was employed by a company of Charlottetown, opposite Boston. I was on the northern side of the line.

Q. And on coming to Gloucester you shipped on this vessel?—A. Yes; on this famous Fashion.

Q. Did you make any observation while on board?—A. No.

Q. Did you get the sun?—A. No; we did not want it.

Q. You did not know how to do so?—A. Yes.

Q. Could you have done so?—A. Yes.

Q. Had you ever used a quadrant or sextant?—A. Yes; a quadrant. I did not know how to do so before, but I since have known how.

Q. But you did not before that voyage?—A. I do not think so.

Q. And you think that you could have used one and found the sun?—A. I think that if it had came to a pinch, I would have done so.

Q. And then you think that you would have found your place on the chart with a quadrant, which you had never previously used?—A. I did not want to find a place on the chart with a quadrant.

Q. Did you not want to find your latitude? What is a quadrant used for?—A. It is used to take the sun, and to learn where you are.

Q. Which way; north and south?—A. Yes.

Q. Have you learned that since?—A. Yes.

Q. Do you know how to use a quadrant now?—A. I think that I do.

Q. I want you to consider whether you are willing to say, under your oath, that you took charge of that vessel, and navigated her from Gloucester down to the bay?—A. Yes. I have testified to that now. I brought that vessel from Gloucester to Canso, and from Canso to the bay, and back home again in the fall.

Q. You did?—A. Yes.

Q. What was the captain doing all that time?—A. He was in his bunk.

Q. During the whole voyage?—A. Yes.

Q. Out and back?—A. That is near about it. I was very happy to get his statement when I got here.

By Mr. Davies:

Q. During how many years have you been captain of a vessel?—A. I went in 1870 as master of a vessel.

Q. And have you been master of a vessel ever since?—A. Yes.

By Mr. Foster:

Q. For how many years were you a fisherman before you became a captain?—A. I think about three years.

Q. You do not think that the period from 1864 to 1870 comprises three years?—A. I think it was about three years; and if he was here to-day I do not suppose that he could contradict my statement.

#### No. 62.

JOHN D. MACDONALD, farmer and fisherman, of Souris, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty was sworn and examined.

By Mr. Davies:

Question. What is your age?—Answer. I am about 39.

Q. Have you been fishing much during your life?—A. Yes; considerable.

Q. For how many years?—A. Ten or eleven.

Q. Have you been boat or vessel fishing?—A. I have been vessel-fishing.

Q. In American or in island vessels?—A. In both.

Q. In which did you first go fishing?—A. In American.

Q. When?—A. In 1862.

Q. In what vessel did you then ship?—A. In the Fanny R., of Gloucester.

Q. Where did you go in her?—A. Into the North Bay, the Gulf of St. Lawrence, and British waters. I shipped from Gloucester.

Q. How many trips did you make that year?—A. One.

Q. How many barrels did you catch?—A. 180.

Q. Where did you fish?—A. At the Magdalen Islands and up on the north side of Prince Edward Island.

Q. Did you finish the season in her?—A. No.

Q. What did you do next?—A. I shipped in a vessel called the Empire State the same season.

Q. Was she from Gloucester?—A. Yes.

Q. Who was her captain?—A. Stephen Smith.

Q. Did you finish the season in her?—A. Yes; in one trip.

Q. How many barrels did you take?—A. 300.

Q. Where?—A. Off Sydney, Cape Breton.

Q. How far from the shore?—A. About  $1\frac{1}{2}$  miles.

Q. Did you take any outside of three miles from the shore?—A. No.

Q. I understand that all the mackerel taken about Cape Breton are caught within three miles of the shore. Is that correct, in your experience?—A. Yes, it is. All the fish there are taken handy to the shore, within  $1\frac{1}{2}$ , and perhaps 2 miles of it.

Q. Then do you mean to say that you took all your mackerel within 2 miles of the shore?—A. Yes.

Q. Where did you go then?—A. I again went in the Empire State.

Q. What did you get?—A. Six hundred barrels in two trips.

Q. Where did you fish?—A. We came up to the Bay of Chaleurs, and up the River St. Lawrence. We took the balance of the first trip around the Magdalen Islands.

Q. Where did you secure the second trip?—A. Off Sydney.

Q. How many did you then take?—A. We got about 300 barrels each trip.

Q. When you fished in the Bay of Chaleurs how far from the shore did you catch the fish?—A. Between two and two and a half miles from it, I judge.

Q. Did you fish in the center of the bay?—A. No.

Q. During the years you have been fishing have you been much in the Bay of Chaleurs?—A. Yes, considerably.

Q. When there, where did you fish?—A. Along about  $1\frac{1}{2}$ , 2, or  $2\frac{1}{2}$  miles from the shore on each side of the bay. We generally fished on the north side of it.

Q. And then you went up the river St. Lawrence?—A. Yes.

Q. Where do you catch the fish there?—A. Along the west shore.

Q. Past Gaspé?—A. Yes. We go up as far as Magdalen River, and catch the most of them there, between that and Griffin's Cove. They fish there to anchor altogether.

Q. How far from the shore?—A. About one mile.

Q. Around that coast the fish, I believe, are all taken within a mile of the shore. Am I correct in so stating it?—A. Yes; you are.

Q. You got some fish at the Magdalen Islands, and the others—where? At Sydney?—A. Yes. We made the last trip of all at Sydney.

Q. And you caught all the fish inshore?—A. Yes.

Q. And what proportion of the first trip did you obtain inshore?—A. About two-thirds.

Q. Did you get many fish at the Magdalen Islands?—A. We obtained over 100 barrels; about 150 barrels.

Q. About one-half of the first trip was taken at the Magdalen Islands, and the whole of the second at Sydney, and all the fish were caught in-shore?—A. Yes.

Q. Were there many American vessels in the bay in 1863?—A. Yes; a good many.

Q. How many?—A. Between 500 and 600, but I cannot exactly state the number.

Q. Were you pretty well acquainted with the vessels, and did you go much among their captains and crews?—A. Yes; considerably.

Q. Is it not customary for the fishermen to compare notes of their different voyages?—A. Yes; this is done very often.

Q. I believe that you hardly ever meet a vessel without inquiring what she has got, and what her catch has been, &c.?—A. Yes.

Q. Are you thus enabled to state somewhere about the average catch of the fleet that year?—A. I should judge that the average that year was about 500 barrels.

Q. In what vessel did you go in 1864?—A. The General Burnside.

Q. What was the captain's name?—A. Saul Frielich.

Q. Was she from Gloucester?—A. Yes.

Q. How many trips did you make in her?—A. I made one trip in her.

Q. How many barrels did you take?—A. About 320, I think.

Q. Where did you catch them?—A. We got most of them on the west shore of Prince Edward Island, between the North and West Cape.

Q. Did you catch any off Cape Breton?—A. Yes, about fifty barrels.

Q. You do not seem to have done as well as usual that year?—A. No, we did not.

Q. Why not; 1864 was a good year?—A. We fished off in deep water, or did so at first. She was a large vessel, and the captain kept out in deep water on Bradley and Orphan Banks.

Q. Did you do well there?—A. No; we got none at all hardly there; we only obtained a few.

Q. How long did you remain there?—A. About three weeks.

Q. Did you remain there because she was a large vessel?—A. I do not know that, but we supposed so.

Q. A large vessel cannot come inshore as safely as a small one?—A. No.

Q. Whatever the cause, you kept off shore on Banks Bradley and Orphan during two and three weeks, and got nothing?—A. Nothing to speak of.

Q. And then you came inshore to fish?—A. Yes.

Q. Was your catch below the average?—A. Yes.

Q. A long way below it?—A. Yes.

Q. What would be the average catch that year?—A. About 500 barrels. All the vessels did well that year.

Q. And do you attribute the fact that your catch was below that average to the circumstance, that you staid so long on Banks Bradley and Orphan?—A. We blamed that for it anyhow; and we got no fish there.

Q. In what vessel did you go next year?—A. The Aphrodite.

Q. Was she from Gloucester?—A. Yes.

Q. What was the captain's name?—A. R. Macdonald.

Q. He must be an island man?—A. No; he was from Liverpool, N. S.

Q. How many barrels did you take?—A. 620 or 630.

Q. How many trips did you take?—A. Two.

Q. Where did you take them?—A. Around the island, in the Bay of Chaleurs, and off Cape Breton.

Q. What quantity did you take inshore and how much outside?—A. We took about two-thirds inshore, within the three-mile limit.

Q. Where have you taken fish beyond the three-mile limit?—A. On Bank Bradley and broad off the Magdalen Islands, say, about six or eight miles.

Q. And about two-thirds of the fish were taken inshore along Prince Edward Island and in the Bay of Chaleurs and off Cape Breton?—A. Yes.

Q. Were there many American sail in the bay that year?—A. Yes; a great many.

Q. Were there more or less than during the previous year?—A. The number was about the same, I judge.

Q. How many American vessels would you say were there?—A. About 500 or 600.

Q. And you caught that year about 630 barrels?—A. Yes.

Q. Was that a fair average, or was it above or under a fair average?—A. It was about a fair average, I think.

Q. Where were you in 1866?—A. In the Colonel Cook.

Q. Where was she from?—A. Gloucester.

Q. Who was her captain?—A. George Beers.

Q. How many barrels did you take in her?—A. Six hundred and twenty.

Q. How many trips did you make?—A. Two.

Q. Where did you catch them?—A. We took the first trip in the Bay of Chaleurs, off the Magdalen Islands, and around Prince Edward Island. We obtained about 100 barrels off the island.

Q. Where did you secure the second trip?—A. Around Prince Edward Island and off Margaree.

Q. Did you catch your second trip as close inshore as the first?—A. We took it nearer the shore than the first.

Q. Do the mackerel come quite close inshore in the fall?—A. Yes.

Q. This is the general rule?—A. Yes.

Q. And are fall mackerel the best mackerel?—A. Yes.

Q. And by far the best?—A. O, yes.

Q. And do you think that all the fish caught by the fleet on the second trip are taken inshore?—A. I think so. This was the case with all I ever so caught.

Q. Of the first trip, a portion, more or less, is taken outside, off Bank Bradley and the Magdalen Islands, and the whole of the second trip, speaking in general terms, is taken inshore?—A. Yes.

Q. In what vessel were you in 1867?—A. In the Ratler.

Q. Where was she from?—A. Gloucester.

Q. How many trips did you make in her?—A. Two.

Q. How many barrels did you take?—A. About 650.

Q. Where were they caught?—A. Some in the Bay of Chaleurs and some up the River St. Lawrence; some near the Madeline River, and others off the Magdalen Islands, Cape Breton, and Prince Edward Island. In fact, we were all over the ground that year.

Q. Of these 620 barrels how many were obtained inshore?—A. I can safely say that about two-thirds were so caught.

Q. Were there many American vessels in the bay that year?—A. Yes.

Q. Was there a large fleet?—A. Yes.

- Q. About how many were there?—A. 500 or 600.  
Q. Was your catch about an average catch?—A. Yes; we did fairly well.  
Q. Where did you go in 1868?—A. I was in the Cadette.  
Q. Was she also from Gloucester?—A. Yes.  
Q. How many trips did you make in her?—A. Two.  
Q. How many barrels did you catch?—A. 600, more or less.  
Q. Where did you take them?—A. Around Prince Edward Island, and off the Magdalen Islands and Cape Breton.  
Q. What proportion were taken inshore?—A. About two-thirds.  
Q. Was this about an average catch?—A. Yes.  
Q. During the years when you were fishing, of course you saw a good many American vessels fishing alongside of you?—A. Yes.  
Q. Did they catch fish in the same places which you frequented?—A. Yes; they did.  
Q. And at the same distance, as a rule, from the shore?—A. Yes.  
Q. Have you seen many vessels catch fish off Banks Bradley and Orphan? Do many attempt to do so?—A. When I used to be there, we perhaps would see fifteen or twenty sail there.  
Q. Out of the 500 or 600 in the bay?—A. Yes.  
Q. They were trying to catch fish there?—A. Yes; that is about as big a fleet as I have ever seen on Banks Bradley and Orphan. These vessels would be scattered around.  
Q. Would they remain there long?—A. No.  
Q. What has been your experience as to the value of Banks Bradley and Orphan, as fishing grounds, compared with the inshore fisheries?—A. I do not call them good fishing grounds, because I have never caught many mackerel on them.  
Q. I have heard it stated here in evidence that some vessels have taken catches outside in the bay in deep water?—A. I do not know that this is the case, I am sure.  
Q. It has not come within your knowledge?—A. No.  
Q. Have you conversed much with Americans as to the value of our inshore fisheries? Have you heard their captains speak with reference to them and the quantities they took?—A. No, I do not know as I have.  
Q. Were you here when the cutters were on the coast?—A. Yes.  
Q. Did you keep outside of the three-mile limit all the time?—A. No; we did not.  
Q. What used you to do?—A. We used to fish inshore.  
Q. And when the cutters hove in sight what did you do?—A. We then jogged off.  
Q. Did you fish in American vessels after 1868?—A. No.  
Q. Did you, after 1868, fish in English vessels?—A. Yes.  
Q. In what vessels?—A. The Margaretta and the Adele.  
Q. Where?—A. Around Prince Edward Island.  
Q. Was the Margaretta a small vessel?—A. Yes; she was of about 25 or 30 tons.  
Q. And when you fished around the island, did you catch your fish at about the same distance from the shore as you have mentioned?—A. Yes; we got them all inshore.  
Q. There is a very large boat fishing prosecuted about Prince Edward Island?—A. Yes.  
Q. Where do the boats catch their fish?—A. All inshore.  
Q. Taking into consideration the boat and vessel and all the fisheries, what proportion of the whole catch of mackerel is taken inshore, around

Prince Edward Island, Cape Breton, and in the Bay of Chaleurs ?—A. I think that nine-tenths, anyhow, are taken inshore.

Q. Would you like to fit out a vessel to come to the bay, if you did not have the right of coming inshore at all to fish ?—A. No; I would not.

Q. Do you think that anybody would make the venture under such circumstances ?—A. No; I do not think so.

By Mr. Foster :

Q. I notice that you seem to have gone to the Magdalen Islands every year when you were in American vessels ?—A. Yes.

Q. In 1862, you were in the Fanny R. ?—A. Yes.

Q. What was the name of her captain ?—A. John Dicks.

Q. What was your total catch at that time ?—A. 180 barrels.

Q. Did you get them all at the Magdalen Islands ?—A. No.

Q. How many did you catch there ?—A. About 40 barrels.

Q. Did you go to Banks Bradley and Orphan that year ?—A. No.

Q. Where did you go from the Magdalen Islands ?—A. To Prince Edward Island.

Q. And did you take the remainder of your catch there ?—A. Yes.

Q. What was the tonnage of the Fanny R. ?—A. About 95.

Q. And do you wish the Commission to understand that all the mackerel which you caught in that vessel of 95 tons, off Prince Edward Island, were taken within three miles of the shore ?—A. Yes; I think that this was the case.

Q. You did not, by any accident, get any outside ?—A. I do not think so.

Q. How far out was the farthest distance at which you caught any of them ?—A. Well, I do not know. It would be pretty hard to tell that. We used to heave to about a mile from shore and drift off, when the wind was off the land. We would drift off to about 2 or 2½ miles, or thereabouts, or perhaps as far as 3 miles off shore. We would then lose the school, and getting under weigh, we would stand inshore again, and drift off again, if the wind was off the land.

Q. And you got the whole of the fish within 3 miles of the shore ?—A. Yes.

Q. And the whole of your second trip that year was taken off Sydney ?—A. Yes.

Q. And all close inshore; how near to it ?—A. Within a mile or 1½ miles of it.

Q. How near to the shore could you go in that vessel ?—A. Within half a mile of it, I think.

Q. What was the tonnage of the Empire State ?—A. About 95.

Q. And in the following year, 1863, you made two trips, and went to the Magdalen Islands; how many did you catch there ?—A. On the first trip we got about 150 barrels off the Magdalen Islands, I would think.

Q. Did you go to the Magdalen Islands more than once that year ?—A. Yes.

Q. When did you go there the second time that year ?—A. While on the fall trip.

Q. How many fish did you catch off the Magdalen Islands on the fall trip ?—A. None.

Q. Did you go to Banks Bradley and Orphan that year ?—A. We did during the spring and first trip.

Q. What luck did you have ?—A. We did not get any there.

Q. What was the tonnage of the General Burnside ?—A. About 145.

Q. And you say that her captain, Saul Frielich, kept offshore more than the others?—A. Yes.

Q. When did you begin to fish with him?—A. In July.

Q. And where did you fish?—A. Off the Magdalen Islands.

Q. Did you go straight there?—A. Yes.

Q. Without pausing to fish anywhere else?—A. Yes.

Q. How much did you get?—A. We took no fish there to speak of; we may have caught 15 or 20 barrels, or some number like that.

Q. Did you try fishing off Banks Bradley and Orphan?—A. Yes; we struck right across to there.

Q. Did you get nothing there?—A. Nothing to speak of; we picked up 5, 6, 7, or 8 barrels in a day for a fortnight or three weeks.

Q. How many barrels did you take on the first trip with Frielich?—A. 320, I think; we then only made one trip, and we carried 900 empty barrels.

Q. Back?—A. Yes.

Q. Did you try everywhere for fish?—A. Yes; on Banks Bradley and Orphan.

Q. Where did you go from Banks Bradley and Orphan?—A. We went to Prince Edward Island.

Q. Did you fish there within three miles of the shore?—A. Yes.

Q. All the time?—A. Yes.

Q. How long did you stay there?—A. About two weeks, I suppose.

Q. How many fish did you catch?—A. About 200 barrels.

Q. How many barrels had you on board before you took these?—A. Something like 20 or 30 barrels.

Q. Why did you leave the north side of the island; was the fishing poor?—A. We left with a breeze, a northwest wind, and came down to Cape Breton and fished there a spell.

Q. How many fish did you catch off Cape Breton?—A. We caught the balance of the trip there.

Q. How many was that?—A. I do not know exactly; but it was over 100 barrels.

Q. And what was your total catch?—A. 320 or 330 barrels.

Q. And you caught about 20 or 30 barrels off the Magdalen Islands and on Banks Bradley and Orphan?—A. Yes.

Q. Then comes 1865, when you made two trips; how many did you then take at the Magdalen Islands? You were at the time in the *Aphrodite*?—A. Yes; we took about 100 barrels there.

Q. During the first trip?—A. Yes.

Q. Did you go there on your second trip?—A. Yes; and we got about 30 or 40 barrels.

Q. How many did you obtain on Bank Bradley?—A. None at all. We caught the balance of the trip off Prince Edward Island.

Q. Did you go to Banks Bradley and Orphan on the second trip?—A. No.

Q. In 1866 you made two trips in the *Colonel Cook*?—A. Yes.

Q. Did you then go to the Magdalen Islands?—A. Yes.

Q. How often?—A. Twice.

Q. How many did you get on the first trip?—A. About 150 barrels.

Q. And how many on the second trip?—A. About 30 barrels.

Q. What did you get on Banks Bradley and Orphan during the first trip?—A. Nothing.

Q. And how many did you catch there on the second trip?—A. Nothing.

Q. In 1867, you were in the *Ratler*?—A. Yes.

Q. And in her you say you fished over all the ground?—A. Yes.  
 Q. Where did you begin fishing in her?—A. In the Bay of Chaleurs.  
 Q. How many did you catch there?—A. Between 50 and 100 barrels.  
 Q. Where did you go next?—A. Up the river St. Lawrence to Magdalen River.

Q. Where is that?—A. Near Cape St. Anne, on the west shore. It is situated near the mouth of the Quebec River.

Q. How many did you catch there on the south side of the St. Lawrence?—A. About 150 barrels.

Q. Where did you go then?—A. Across to the Magdalen Islands.

Q. How many did you catch there?—A. About 50 barrels.

Q. Where did you next go?—A. To Prince Edward Island.

Q. Did you not stop at Banks Bradley and Orphan?—A. We tried there as we went along and as we were crossing over to the Magdalen Islands from Magdalen River, but we did not take any mackerel to speak of; we would heave to and get a few.

Q. Did you tranship?—A. Yes.

Q. Where?—A. At Charlottetown.

Q. When did you commence your second trip?—A. About the last of August or the 1st of September.

Q. Did you go to the Magdalen Islands?—A. Yes.

Q. Did you begin your fishing there?—A. No; we first fished on Fisherman's Bank, on the south side of the islands, and then we fished around East Point of Prince Edward Island, and from thence we went to the Magdalen Islands.

Q. How many barrels did you get on Fisherman's Bank?—A. About 30.

Q. Have you ever been to Fisherman's Bank, that year excepted?—A. No; that was the first and last time.

Q. How many fish did you take at the Magdalen Islands?—A. I do not know exactly; but we did not get many there that trip. We, however, got a few—perhaps 35 or 30 barrels. I am not positive about the number, but we certainly did not catch a great many there.

Q. Those American vessels in which you fished had pogy bait?—A. Yes, mostly.

Q. Altogether?—A. Almost altogether.

Q. 1868 was the last year you were in an American vessel?—A. Yes. I was in the Cadet, from Gloucester.

Q. Where did you go in the Cadet?—A. We fished round the island and the Magdalens.

Q. How much did you catch at the Magdalen Islands?—A. Of the whole year's fishing, we got about 150 barrels.

Q. And how much was the total catch for the year?—A. About 600.

Q. Did you go to Bradley and Orphan then?—A. No; we were up to Bay Chaleurs, though.

Q. You got some there?—A. About 100 barrels.

Q. What years were they that the cutters disturbed you?—A. The years I was in American vessels.

Q. How many years?—A. I think every year I have been in American vessels.

Q. That the cutters disturbed you?—A. No; not every year; no, no.

Q. What were the years you were in American vessels that you were interfered with?—A. Eighteen hundred and sixty-three is one.

Q. What cutter troubled you then?—A. The English cutter.

Q. What was her name?—A. I don't know.

Q. Who was your master then?—A. In 1863, Stephen Smith.

Q. What did the cutter do to you then?—A. She did nothing; but when we would see her coming we would have to keep clear.

Q. That was in the Empire State?—A. Yes.

Q. You are quite sure you saw a cutter then?—A. I think so.

Q. Well, what other years were you troubled with cutters?—A. 1864 and 1865.

Q. Do you remember them?—A. Yes, sir.

Q. Who was your captain when the cutters troubled you?—A. Saul Felix.

Q. What did they do?—A. They did no more than only when we would see them we would knock off fishing, if we were fishing inshore, and steal off.

Q. Was that a good deal of inconvenience?—A. Yes.

Q. It interfered with the comfort of the voyage and its success?—A. Yes.

Q. Was the fishing disturbed in 1866 and 1867? Do you remember the cutter those years?—A. O, yes.

Q. Do you remember any year when your captain had a license?—A. No, I don't remember any.

Q. You never heard of it?—A. I heard of them.

Q. But you don't know whether he had one or not?—A. No; I don't know.

Q. Now, are you as sure about being disturbed by cutters in 1863, 1864, and 1865, when you were in the Empire State, the General Burnside, and the Aphrodite, as you are about the rest of your statements?—A. Yes.

Q. That is just as clear as that you caught the greatest part of your mackerel within three miles of the shore?—A. Yes.

Q. Well, I don't want to catch you, but if you have any explanation I wish you to make it. You have stated that you were disturbed in 1863, 1864, and 1865. Now, these were the years of the Reciprocity Treaty. Mr. Davies will tell you there was not a cutter on the whole coast of British North America, and the United States vessels had a right to fish anywhere they pleased. Just think a bit and make your explanation. You have been pursued by cutters, according to this, three years under the Reciprocity Treaty, when the United States had a right to visit inshore. Now, you did not dream that. Explain it?—A. There were cutters there. There was one.

Q. What was she doing?—A. She was keeping the fishermen off the shore-fishing.

Q. All those years?—A. Yes.

Q. Are you sure of it?—A. I am certain of it.

Q. You are just as sure of that as you are as to where you caught your mackerel?—A. Yes.

By Mr. Davies:

Q. Were you ever in the hands of a cutter at all, your vessel?—A. No.

Q. You are only speaking of what you recollect, and you thought you saw them?—A. Yes.

Q. You are evidently mistaken. Do you still think there were cutters there then?—A. There were.

Q. During those years you were in the Empire State in 1863 and the following years, in the General Burnside in 1864 and 1865, you have already stated that you caught your fish in around the shores those years?—A. Yes.

Q. So that if the cutters were there they did not disturb you then?—  
A. No.

No. 63.

PETER S. RICHARDSON, of Chester, in the county of Lunenburg, N. S., fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined:

By Mr. Weatherbe :

Question. You have been a good many years in American fishing vessels?—Answer. Yes, sir.

Q. During what years?—A. As nearly as I can judge from 1860 up to 1874, along there, and after.

Q. I took down a list from you of the vessels you have been in—about twenty altogether?—A. Yes, sir.

Q. You might give me the names, if you recollect?—A. The first vessel I was in was the Benjamin Franklyn.

Q. The Diamond was the first?—A. Yes.

Q. In 1860 you were in the Diamond, in 1861 in the Nebraska, in 1863 the Mesina and the Corporal Trim, in 1864 in the Prince of Wales and the Harvey C. Mack, in 1867 in the Everett Steele and the Carrie S. Doyle, in 1868 in the Sam Crowell and the Sea Queen, in 1869, I don't know that I have the vessel you were in that year?—A. The Sultana.

Q. In 1865 you were in the Henry A. Johnson, in 1866 in the Sunnyside and Rattler, in 1869 in the A. J. Franklyn, Elisha Crowell, and the William J. Dale, in 1876 in the Massasoit and the Ernest F. Norwood. You are not quite certain with regard to the dates?—A. No.

Q. But as nearly as you can recollect, is that correct?—A. Yes.

Q. You were in those American fishing vessels?—A. Yes.

Q. I believe one of your vessels was captured.—A. The A. J. Franklyn; she was captured in 1869 by Captain Tory.

Q. You were fishing for mackerel?—A. Yes.

Q. Had you completed your fare when you were taken?—A. We were on our passage home, at the Strait of Canso.

Q. He had overhauled you somewhere previously.—A. Yes; he boarded us before; about eight days before.

Q. You had escaped.—A. Yes.

Q. And on your way home, when you were at the wharf, he went on board?—A. We were lying in the stream.

Q. I believe you thought it was not quite fair; he gave you no warning; you were asleep at the time you were taken?—A. Yes.

Q. How long before that had he seen you?—A. About eight days.

Q. Did you go on fishing?—A. Yes; we went on fishing.

Q. You went away on coast of Cape Breton.—A. Yes.

Q. You ran over to Prince Edward Island?—A. Yes.

Q. Now, during any of those years that were mentioned had you any license?—A. Not that I remember.

Q. You don't remember having any license at all; did you ever hear of them?—A. Yes; I heard.

Q. Why did you not take them?—A. Because I thought we would catch our trip without them.

Q. The next year after the Franklyn was taken, what vessel were you in?—A. As near as I can judge, the Sea Queen—excuse me; I made a mistake; the next year after the Franklyn was seized, I went in the Elisha Crowell. I was master of her myself.

Q. You went back to Gloucester after your vessel was seized in 1869,

to the owners, Whalen and Allen, a Gloucester firm, and engaged to come out into the gulf as master of their American vessel, the Elisha Crowell. Now, I suppose they knew your vessel had been seized!—A. I expect they did.

Q. What directions did they give you; did they tell you to keep out three miles?—A. No; but they told me to mind and not let myself be taken by a cutter.

Q. So you came down? Did you get a good fare?—A. Yes.

Q. How many trips?—A. I came down late and only made one trip. I came down on the 28th day of August.

Q. Did you see a cutter?—A. Yes, sir.

Q. How did you manage to escape?—A. Hoisted sail and left.

Q. How often did you see her?—A. I could not rightly say how often.

Q. I only want to know whether you saw her once?—A. I can safely swear I saw her once.

Q. She did not seize you?—A. No, because she never caught us in the act of stealing.

Q. Where did you get your fish?—A. We got them wherever we could catch them.

Q. With regard to the whole period from 1860 down, were you always fishing for mackerel in American bottoms?—A. Always in American bottoms.

Q. Where did you catch your fish during these years—near the shore or outside?—A. I should not like to swear to the quantity we caught inshore or offshore; but as near as I can judge, where we caught one offshore we caught twenty-five inshore.

Q. Where did the American mackerel fleet usually fish, inshore or offshore?—A. That depends upon the season of the year.

Q. I know; but I am speaking now of every year and generally?—A. They generally fish inshore, by what I have seen.

Q. All that you saw?—A. Yes.

Q. How close?—A. I never measured the distance, but I suppose I could make a judgment. Sometimes three miles and sometimes a little more; sometimes not quite so far.

Q. Well, I want to know, generally, where they were. Were they outside of three miles?—A. In general, where we have got big catches of mackerel, we have got them inshore.

Q. What do you mean by inshore—four miles?—A. O, yes; within a mile and a half or two miles.

Q. There is where you get your catches?—A. The largest ever I helped to catch were caught there.

Q. When you say that when one mackerel is caught outside twenty-five are caught inside, where do you mean by inside?—A. I mean a range from a mile and a half to five miles.

Q. I want something a little more definite than that. I want to know what proportion you caught within three miles.—A. I could not begin to describe the quantity that was caught inside of three miles.

Q. I only want to know the proportion of the mackerel you caught inside, to the best of your opinion.—A. I would say nine-tenths, to the best of my opinion, inside of three miles.

Q. Now, previous to your being captured, had you been aware of the cutter's being on the coast?—A. I ought to, sir.

Q. Constantly?—A. We ought to.

Q. How did you guard yourself against being taken before that?—A. I ran away from them.

Q. Did you keep a lookout?—A. We always watched.

Q. Did you keep a man constantly watching?—A. No; everybody watched.

Q. All the fleet? They all fished inside.—A. Well, when we watched we did.

Q. If you were fishing inside, you watched?—A. Yes.

Q. And you mean to say that they were all in the habit of running the risk of being caught?—A. Yes; nine out of every ten vessels ran the risk.

Q. You frequently met the skippers of other vessels and conversed together?—A. O, yes.

Q. What did they say?—A. I would not like to use their language—certainly, not here.

Q. I only want to know the general tenor of their talk.—A. Well, they did not like it; that is the amount of it. That is as near as I can give it.

Q. Were they aware that they were running the risk?—A. They knew that. They understood that much.

Q. Why did they run the risk?—A. Because they wanted to fish.

Q. Why could they not put up with fishing outside?—A. Because they did not get enough.

Q. Now, would it be worth while to fish if they were confined to fishing outside of three miles from the land? Would you do down to Gloucester for a vessel?—A. No, I would not.

Q. Would you go on board as sharesman, if so confined?—A. No.

Q. Do you know any one that would?—A. That I cannot say. I would be very sorry to say whether I knew one or not.

Q. If there is one, you don't know him?—A. I don't know him. I never heard of him; only I can give my own judgment that I would not go.

Q. Did you fish for mackerel alone?—A. Yes, with some exceptions; we caught a few codfish—very few.

Q. That is when on the mackerel grounds?—A. Yes.

Q. But when in those vessels, did you go on a mackerel trip alone?—A. When I went into the bay I went on a mackerel trip alone.

Q. Give us some of the catches you took for the season.—A. I have taken, or helped to take, as high as 1,500 barrels in one season.

Q. That was a large catch?—A. Yes; that was the largest catch out of the port.

Q. What vessel was that?—A. The Rattler.

Q. Now, were there any other large catches?—A. I have been shipmate when we had a good many good catches, but not so large as that.

Q. How large?—A. Well, 700, 1,000, 600, and 400, down as low as 300, for one trip only.

Q. I am speaking of the season?—A. Well, we never took less than 500 for the whole season; not to my knowledge.

Q. That would be how many trips when you took 500?—A. Only one; but we would land and reship from Canso.

A. I mean to say, how many fares?—A. That would be a fare and a half for one of those medium-class vessels.

Q. You would come in with half a fare?—A. Yes, we would do so both times.

Q. Then, in all cases, have you confined your season when in those vessels to fishing for mackerel alone?—A. Yes, sir; in general.

Q. Would you go on a cod-fishing trip? Did you ever?—A. Where? In the bay?

Q. I mean the Gulf of St. Lawrence, anywhere?—A. Well, so far as

it is called the bay. I have been between Cape North and Bird Rocks, five voyages in different seasons; that is, on the southwest side of the Gulf of St. Lawrence.

Q. When?—A. I can't rightly say. It is within nine years.

Q. Five different trips in different years?—A. One trip a year.

Q. Then, during these same years, you were fishing mackerel?—

A. Yes, some years. We would go the first of the season.

Q. In the same vessel?—A. Yes. We would leave home in the spring when the ice would be out, so that we could go to Magdalen Islands for bait and leave there in June. We got our bait at Magdalen Islands or probably on the Cape Breton shore. Then, after getting our cod, we would go home and land them, and fit out for a mackerel voyage. That is the way we used to work the trip.

Q. Is that usual with the mackerel catchers?—A. It used to be then. I don't know now. It used to be the plan to have the codfish trip in the spring, and after that the mackerel.

Q. What kind of bait did you use, salt?—A. No; fresh.

Q. Did you ever use salt bait?—A. Never, to any amount.

Q. Now, do you know with regard to the procuring of bait, do you know of the men aboard your vessel (the crew) assisting in catching it?—A. No. I have never been shipmate with the men assisting to catch bait, unless it was squid. That was in Newfoundland.

Q. Have you known of that in other cases?—A. No. I have known plenty of men catching their own squid in Newfoundland or Canso.

Q. But I mean to say on our own coast, have you known of the crews of other vessels getting people from the coast to assist them?—A. Yes, I have known men to take crews from one port to another to catch bait; say from Prospect to Ketch Harbor, or from Ketch Harbor up to the Northwest Cove.

Q. A vessel would go to Prospect?—A. Yes.

Q. And take a number of men on board there, with a seine? Who would the seine belong to?—A. It was not a seine; it was a net. It would belong to the parties on shore—the natives.

Q. You would take these nets to another place, and who would catch the bait?—A. The parties that owned the nets.

Q. Would the crew assist at all?—A. If the men wanted any assistance, then the crew would assist.

Q. Catching bait, that is for the cod-fishing business? Is that a convenient way of getting fresh bait?—A. If it is plenty, it is.

Q. It is usually got on that coast in that way?—A. It is sometimes. Sometimes it is different. Sometimes they catch it right here in Prospect; we don't have to go any farther.

Q. Is the custom as to getting bait different at different places?—A. No; it is all alike; only it is different prices.

Q. Well, where they assist in catching it themselves that varies the price?—A. Not a bit; not in the vessels I have had anything to do with.

Q. Now, I would like to know from your experience what is the best part of the season for the mackerel catch. First of all, have you caught mackerel on the coast of Prince Edward Island?—A. We take it from about the 15th, I should say the 10th of September, down to October. The heaviest quantities of mackerel are taken then.

Q. Were you in an American vessel last year?—A. Yes, sir.

Q. And what are you in this season?—A. I am in a British vessel this year.

Q. What have you been doing this season?—A. Codfishing so far.

Q. In this same British vessel you are in now!—A. Yes.

Q. She is in this port!—A. Yes.

Q. You have landed your fish and are now going to the bay for mackerel!—A. Yes.

Q. Where are you going first!—A. I do not know; but wherever we are most likely to get fish we shall go.

Q. You consider from your experience over all these years you have been in the business that from the 10th of September onward is the best part of the season!—A. I should say so, to the best of my knowledge of the business.

Q. You have been fishing for mackerel and codfish in American bottoms!—A. Yes.

Q. Anything else!—A. I have been running fresh halibut down the gulf.

Q. Where did you catch them!—A. Wherever we could.

Q. Where are the best places!—A. The best places used to be up the gulf, St. Margaret's River, Point Des Monts, Moisic River, and down at Point St. Charles, then down around Anticosti, and wherever we could catch them we would.

Q. What part of the coast did you catch them? How far from shore!—A. As close as we can get in.

Q. They are always caught inshore!—A. Not always. We would catch them from 200 or 300 yards to a mile or a mile and a half.

Q. There were some vessels seized a short time ago!—A. Two.

Q. What vessels were they!—A. The James Bliss and a vessel of a man by the name of Cunningham. I can't just think of the vessel's name. Yes; it was the Enola C.

Q. You were fishing at the same time!—A. Yes; at Anticosti.

Q. Did you catch within three miles!—A. Yes; the whole of them. All we caught that trip we did.

Q. Well, did you see these other vessels!—A. I saw one of them; not the other. The James Bliss was catching as close as she could catch them. The other one I didn't see. We didn't go quite so far up as she was.

Q. How long after you saw this vessel was she seized!—A. We saw her about 1 o'clock, and she was seized that evening or next morning.

Q. You were aware the cutters were looking after you!—A. Yes.

Q. Well, you found it necessary in order to prosecute the fisheries successfully to fish there!—A. Certainly; I would catch them wherever I could.

Q. How many trips did you make for halibut!—A. I made four, but not all there.

Q. What year!—A. In that same year; in that one year.

Q. You made four trips that same year!—A. We would make a trip every month—a vessel engaged in fresh fishing.

Q. Did you fish for halibut any other year!—A. Not there; not in the gulf.

Q. Well, where afterwards!—A. We fished after that at Sable Island, Western Bank, and all those places.

Q. How many American vessels did you see fishing for cod and halibut!—A. Well, I only saw three at that time.

Q. But generally, did you ever see any others!—A. No; not around there. I saw three that trip. There were three of us.

Q. You were together!—A. Yes; at Anticosti.

Q. Three that year!—A. Three at that one trip, but more went afterwards.

Q. Do you mean to say that the two that were taken and your vessel made the three?—A. No; two of us got clear and the other two were taken. One up at Point Des Monts got taken. We were there about ten days.

Q. How many did you get in those ten days?—A. We got, about as near as I can judge, 25,000 pounds.

Q. Then you got a full fare?—A. A decent fare.

Q. Did you remain after the other vessel was taken?—A. Yes; we fished away. We knew then that the cutter was gone. There was no trouble then. We watched her till she got away, and then went back and fished. It was only nonsense for a man to let those cutters take him, anyhow.

Q. You say you got 1,000, 500, and 700 barrels of mackerel?—A. Yes.

Q. And you got the greatest part inshore?—A. Yes; the biggest part of the mackerel was caught inshore.

Q. And all the mackerel you ever caught from 1860 down, you caught mainly inshore?—A. Yes; the principal part.

Q. Do you know Captain Stapleton?—A. Yes.

Q. Did you ever meet him on the fishing ground?—A. Yes.

Q. He would fish with the rest of you?—A. Yes.

Q. Do you know Captain Bradley?—A. I have seen him. I have no acquaintance with him.

Q. He must have been an outside fisher?—A. No. He sailed from a different port, probably Newburyport, and not from Gloucester. I would not therefore know him.

Q. Stapleton fished inshore the same as the rest?—A. Yes.

By Mr. Dana:

Q. How long ago was it you saw Captain Stapleton fishing?—A. I can't say.

Q. Give me some notion.—A. I should say somewhere about 1867 or 1868, along there.

Q. Ten years ago, about?—A. Yes.

Q. Were you asked at that time to observe him and watch him?—A. No; only I know he fished inshore.

Q. You did not see him all the time?—A. No.

Q. How many times a year would you see him?—A. Probably every day for a week.

Q. And then not again for some time?—A. Then not again for a fortnight. I could not begin to say how often.

Q. Can you tell us what ship he was in?—A. I think I can.

Q. It is no matter if you cannot remember. A. I will think presently. It was the Laura Mangam, I think, if I am not very much mistaken. But it is so long ago that my memory is not very good.

Q. That is the only one you remember?—A. Yes, that is the only one. Yes, I remember the Fitz. J. Babson. It needs a man to have a big memory to remember all those things.

Q. Have the halibut fisheries been pretty much exhausted in the gulf?—A. I cannot say. I have not been in the business for the last five or six years.

Q. You say it was the custom of the Americans when you were in the fisheries to buy their bait as a general thing? They did not themselves come close to the shore and fish for their own herring, &c.?—A. No. They would come in the harbor and lay there, and buy their bait from the natives.

Q. You say that sometimes you have known instances where they

have taken men on board and taken them from one port to another?—  
A. Yes.

Q. And the men caught the bait in their nets?—A. Yes.

Q. You were asked whether, if the crew were called upon to assist, they did?—A. I suppose they did.

Q. It made no difference in the pay?—A. No, no difference in the price.

Q. They were not employed by the day or the week, but sold the fish at a fixed rate to the vessel?—A. Yes.

Q. That is, so far as you know; and, so far as you know, what was the rate given for the fish when they came aboard and brought their nets?—A. \$2 a barrel.

No. 64.

CHARLES E. NASS, of Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You have been in American vessels?—Answer. Yes.

Q. In what year?—A. 1871.

Q. What others?—A. 1872, as near as I can recollect.

Q. Any other years?—A. I don't rightly recollect what years.

Q. I don't want to tie you down to dates.—A. It was 1873 or 1874.

Q. There were three different seasons, 1871, 1872, and 1873 or 1874?—  
A. Yes.

Q. Had you any license to fish?—A. No.

Q. Those vessels sailed out of the port of Gloucester. Did you ever hear of licenses?—A. No, sir; I never heard of them.

Q. You understood they were issued?—A. Yes.

Q. Why didn't you apply?—A. Well, I don't know; the captain didn't take them.

Q. You are the captain of a vessel now yourself?—A. Yes.

Q. You go into the bay to catch mackerel?—A. Yes.

Q. What have you been doing this year?—A. Cod fishing.

Q. At Newfoundland?—A. Yes.

Q. What vessels were those? Name them.—A. The Peerless, the William B. Hutchins, and the Peerless again.

Q. Did you get full fares?—A. Yes, sir.

Q. What size were the vessels?—A. We got full fares twice; the last time we did not.

Q. Were you mackerel fishing any other years?—A. No.

Q. How far from the shore did you catch those fish?—A. We caught them within three miles of the shore.

Q. Were there many other vessels fishing in company with you from time to time?—A. Yes; more or less.

Q. Where did they fish?—A. They fished alongside of us.

Q. Did you see any considerable number of vessels fishing more than three miles from the shore?—A. Well, it is pretty hard to measure. We can't tell exactly.

Q. To the best of your judgment?—A. I have seen some fishing off a little further at times.

Q. How many?—A. I could not say.

Q. The majority? The largest number or the smallest number?—A. Well, there would be generally a fleet, mostly of 100 sail—sometimes less, sometimes 10 sail.

Q. You have told us where you caught yourself. Where did the

greatest number of the vessels get the greatest part of their fish!—A. The greatest number of them got them around Prince Edward Island and Cape Breton.

Q. How far from the shore!—A. They got them handy three miles.

Q. Inside of three miles!—A. Yes.

Q. Did you know whether you were running any risk fishing inshore! Were you aware at the time!—A. Yes.

Q. You were running the risk of capture. Were the other vessels aware of this! Did you converse with any of the skippers!—A. Yes; they were well aware of it.

Q. Did you see the cutter!—A. Yes; sometimes.

Q. What did you do then!—A. I would leave.

Q. Now, do you know whether the greater number of the vessels took licenses or not!—A. No. I heard of a few. I could not mention any names.

Q. Did you converse with any of the other skippers!—A. Yes.

Q. Could you find any that had licenses!—A. No; I don't know one.

Q. Well, how many fish did you take in the two first vessels you mentioned—the Peerless and the William B. Hutchins! How many barrels!—A. We fitted for 250.

Q. That filled you!—A. Yes.

Q. Did you make more than one trip!—A. No; I did not go back again. I left the vessel when we arrived in port. She was only a small vessel.

Q. You only made one trip on each occasion!—A. Yes.

Q. What is the best season for catching mackerel in the Gulf of St. Lawrence!—A. We went there the last of June.

Q. I asked you which was the best season. What is considered by the American fishermen the best season!—A. July, August, and September are supposed to be the best.

Q. Do you know anything about the number fishing in 1871!—A. No; I could not give you any rightly.

Q. Did you see 200 at one time!—A. Yes, sir.

Q. Where did you see them!—A. I think I saw them at Magdalen Islands for one day.

Q. You don't know what the Americans themselves considered the number of the fleet for that year!—A. No.

Q. Were there any more or less afterwards!—A. I could not say. We never went into many ports.

Q. You are not aware whether there was a greater or a smaller number fishing!—A. No.

Q. How many weeks were you catching this fare altogether!—A. To the best of my knowledge, I think about eight weeks on that trip.

Q. Was it a usual or an unusual thing for a vessel not to get pretty good fare!—A. I was there three times, and during my stay we got good fares each time.

Q. Generally, was it considered among the American skippers a usual thing, or was it considered an unusual thing, to go home with a small fare!—A. Some of them did, and some got very large fares.

Q. But I just want to know what the actual state of the matter is. Was it generally considered a usual thing to go home with a small fare, or did they, in the majority of cases, fill up!—A. At this time in 1871 and 1872, they did not get very large fares.

Q. I am aware of that, but even at that time did not most vessels do pretty well!—A. Yes, most.

Q. Have you ever been in American vessels cod-fishing or halibut-fishing?—A. I was one year cod-fishing.

Q. What year was that?—A. That was in 1873 or 1874.

Q. In an American vessel?—A. Yes.

Q. Was that the same vessel you had been catching mackerel in?—A. No; that was another.

Q. Well, do the mackerel vessels not catch some codfish?—A. Yes, in general.

Q. They are prepared to catch codfish?—A. Yes.

Q. Do they all catch a few?—A. In the Gulf of St. Lawrence?

Q. Yes, or where you were fishing, all around the coast?—A. Well, they catch very few.

Q. What do you call very few? Do they all take some home?—A. Yes, some, more or less.

Q. Do they catch these codfish right on the mackerel ground? They are all prepared for catching cod?—A. Yes; they are all ready at the time.

Q. They carry the gear to catch codfish as well as mackerel?—A. Yes; they carry some gear; not very much.

Q. But they all carry some, so that when the mackerel are not biting they catch cod on the same grounds?—A. Yes.

Q. What do they do with the gurry of codfish? Do they clean them on deck?—A. Yes.

Q. Do they throw it over?—A. Yes.

Q. On the fishing-ground?—A. Most likely.

Q. Do you know Captain Stapleton?—A. I am not personally acquainted with him. I have seen him.

Q. Did you see him out fishing?—A. Yes.

Q. Did he fish inshore or offshore?—A. I could not say.

By Mr. Dana:

Q. You spoke of fishing in the years 1871, 1872, and 1873?—A. Yes.

Q. Now don't you know that the Dominion Government ceased to issue licenses after the year 1870?—A. I was not aware of it.

Q. Do you know of any licenses issued in 1871?—A. No; only as I heard. I don't know of any being issued.

Q. You don't know of any that had licenses in 1871, 1872, and 1873?—A. No.

Q. Then you don't mean to say that you know that they could get them if they wished them? You don't know whether they were issued or not in those years?—A. No.

(Mr. Dana refers to correspondence, cited in brief, showing that no licenses were issued after 1870.)

Mr. WEATHERBE. They were not aware of that. All I wanted to show was that they were running the risk.

Mr. DANA. You cannot show that by witnesses saying they had no licenses.

Mr. WEATHERBE. We admit that there were none issued.

By Mr. Dana:

Q. You sailed out of Gloucester several times. You have mentioned the occasions. Do you know anything about the shore fisheries of the United States, the seine fishing?—A. I have been seining off there, from Gloucester.

Q. How far out?—A. Sometimes a long way, and sometimes very handy.

Q. Was there a great deal of seining done all along the Massachu-

sets coast near Gloucester and that neighborhood?—A. Yes; some, more or less.

Q. Was there a good deal of weir fishing there on that coast?—A. Yes, on the Massachusetts coast and Vineyard Sound.

Q. Was it not a successful fishery; a good many people employed in it and a great many fish caught?—A. They used to get bait there; that is all I know.

Q. You don't know anything about whether it was successful or not?—A. No.

Q. But there was a good deal of it, and a good many people employed?—A. I was not in that sort of fishing.

Q. You knew it was going on, didn't you?—A. Yes.

Q. Also, you learned by being at Gloucester that in the autumn, in November, there was a great deal of mackerel fishing off Cape Cod?—A. Yes, sir.

Q. Those mackerel that came down from here, it is supposed, in the autumn, those were good mackerel, were they not?—A. Yes; late in the season.

Q. Were you engaged in seining in vessels on the American coast?—A. Yes.

Q. Give the names of the commanders of vessels you were in, seining?—A. I could give the name of the first vessel I was in; not the captain.

Q. What was the first vessel's name?—A. I can hardly remember. She had such a hard name I forgot it.

Q. Can you state the captain's name?—A. No.

Q. Can you tell the names of any of the vessels?—A. The last one was the S. R. Lane, Captain Jacobs.

Q. Do you know the names of other vessels or captains of the vessels you were seining in?—A. No. I was only part of two years seining.

Q. Were you long employed each season?—A. One month the first time and the whole season the last time.

Q. In what parts of the bay were you seining?—A. We fished off Block Island in the spring, in June; and we fished on George's as the season advanced, and from away down to Mount Desert.

Q. You followed along?—A. Yes; and back to Cape Cod.

Q. When were you at Cape Cod?—A. In the last of October.

By Mr. Weatherbe:

Q. You have heard of the American fishery having failed?—A. Yes.

Q. Did you hear that in the States?—A. This year, I believe, it has failed.

Q. That is, the inshore fishery. When you were in the States, on board an American vessel, why did you not fish in American waters, and why did you come here to fish?—A. There was no hooking there.

Q. That is, no fish could be caught with hook and line?—A. Yes.

Q. Why not; was it because the fish were not round there?—A. The seines had destroyed them.

Q. Then you heard that the American fishery had been destroyed by seine fishing?—A. Yes.

Q. That was the opinion of the Americans themselves?—A. Yes.

Q. It was in consequence of the destruction of the American fishery that you were obliged to come here to fish?—A. Yes.

By Mr. Dana:

Q. You refer to the fishing this year?—A. For as much as three years they have not hooked any fish.

Q. You have not caught any mackerel with hooks in American waters?—A. Nothing worth talking about for the last three years.

Q. Have you been there during those three years?—A. I was there in 1871.

Q. When were you next there?—A. I was there in summer, right along every year till last June.

Q. Summer fishing off the coast of the United States?—A. Off the coast of Massachusetts.

Q. And you found fish, did you not?—A. Yes; we found some, more or less.

Q. You got pretty good fares?—A. Some years we did.

Q. When were you fishing on the American coast?—A. Since 1873.

Q. What did you catch in 1874?—A. We went to the George's cod-fishing until June.

Q. And then you went mackereling, I suppose. Where did you go?—A. To Block Island and along the coast.

Q. What was your catch?—A. The catch was not very large.

Q. How large was the vessel?—A. Seventy tons.

Q. What was your catch?—A. About 800 barrels.

Q. Do you call that a destroyed fishery?—A. That catch was made with a seine.

Q. In 1875 what vessel were you in, and where did you fish on the American coast?—A. I was cod-fishing.

Q. Did you do any mackerel-fishing in 1875?—A. No.

Q. Did you have a good yield of codfish?—A. Pretty fair.

Q. How many barrels?—A. I could not say.

Q. How much did you get?—A. We made short trips and sold the fish when we came in. I cannot tell the catch for the season.

Q. Where were you in 1876?—A. That is another time, I was down here; I forgot to mention it. I was fishing on this coast in an American vessel.

Q. You were not on the American coast at all in 1876?—A. No.

Q. In 1874 you were cod-fishing?—A. Yes.

Q. In 1875 were you mackerel-fishing?—A. I was, either in 1874 or 1875.

Q. From 1873 to the present time, how many years were you mackerel-fishing on the American coast?—A. From 1871 until last year in June.

Q. But you were fishing on this coast in 1876?—A. I was fishing in an American vessel.

Q. How many years have you been fishing on the American coast for mackerel?—A. One whole year; that is all.

Q. And you caught 800 barrels?—A. Yes.

Q. Who has told you that the American fishery has been destroyed? You have not been there mackerel-fishing except one year?—A. I was fishing there and here also; part of the year I was cod-fishing off there, and part of the year I was in the bay.

Q. You did not fairly try mackerel-fishing on the American coast?—A. Yes; I tried at hooking one year for a month.

Q. That mode of fishing has rather gone out, I believe?—A. Yes.

Q. But the other modes used for taking mackerel are successful, are they not?—A. They seem to be, except this year.

By Mr. Weatherbe:

Q. You are following the old mode of catching fish on these shores?—A. Yes.

## No. 65.

Hon. ROBERT YOUNG, residing at Caraquette, N. B., merchant, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thompson:

Question. You are president of the executive council of New Brunswick!—Answer. Yes.

Q. You are member of the legislative council as well, I believe!—A. Yes.

Q. You reside, I think, on the shores of Bay Chaleurs!—A. Yes; at Caraquette.

Q. How long have you resided there!—A. Twenty-six years.

Q. You are acquainted with the fisheries along the coast, I presume, and the mauner in which they are carried on!—A. Yes.

Q. What are the kinds of fish chiefly taken in that bay!—A. Codfish, mackerel, and herring.

Q. Take mackerel; are they taken out in the body of the bay or inshore!—A. Inshore principally.

Q. How far from the shore, as a rule, are they taken!—A. Most of them are taken within from one to two miles of the shore.

Q. Seldom as far out as three miles!—A. Sometimes some are taken outside; but the principal portion is taken within a mile or two of the shore.

Q. Those taken outside are comparatively few!—A. Comparatively few.

Q. Could any one successfully carry on the business of mackerel fishing in Bay Chaleurs or the gulf, so far as you are aware, if prohibited from coming within three miles of the shore to fish!—A. They could not.

Q. Mackerel is eminently an inshore fish!—A. Yes.

Q. What other fish are taken on your shores? You fish for cod!—A. For cod and herring.

Q. Is herring entirely an inshore fish!—A. Yes. Some small quantities are taken outside the bay.

Q. You catch them inshore, at what time!—We catch cod inshore at the early part of the season, in May and June.

Q. They are chiefly taken inshore, then!—A. Chiefly.

Q. How far are they taken from the shore!—A. About a couple of miles out in some places. From two to six miles out at first.

Q. When the cod first come, a large proportion is taken inshore!—A. Yes.

Q. What would be the proportion so taken!—A. About three-fourths.

Q. That continues in May and June!—A. In the month of May and the best part of June.

Q. After that they strike out!—A. Yes; into deep water.

Q. How about halibut!—A. Halibut are generally taken, I think, in deep water.

Q. How about haddock and pollack!—A. We have no pollack on our coast.

Q. You have haddock!—A. Yes. They are taken in deep water.

Q. Do you remember whether during the years of the Reciprocity Treaty, large numbers of American mackerel-fishing vessels frequented the bay!—A. You refer to the years from 1854 to 1856. I have seen large numbers of American vessels in the bay during those years.

Q. Before 1854 did they come there?—A. Yes; I saw them before 1854.

Q. They fished inshore?—A. Yes.

Q. Did the cutters ever interfere with them before the Reciprocity Treaty, before 1854?—A. Not to my knowledge.

Q. After the Reciprocity Treaty was abrogated in 1866, and from that on and before the Treaty of Washington in 1871 was made, the Americans still came in the same way?—A. Yes.

Q. Did the cutters come in once in a while then?—A. Yes.

Q. Did the cutters meddle with them?—A. They came between 1866 and 1871.

Q. What did the American fishermen do?—A. I have seen them get under way and leave and go down the bay when the cutters came in sight. They were fishing close inshore.

Q. That was the usual practice?—A. I have seen it done several times.

Q. How many vessels have you seen at one time?—A. I have seen at one time off my own place about 100 vessels.

Q. That is off Caraquette?—A. Yes.

Q. Were they all fishing within three miles of shore?—A. Most of them, not all of them; but I should say three-fourths of them, perhaps more.

Q. They were all fishing for mackerel?—A. Yes.

Q. During the time of the Reciprocity Treaty and from that on, about how many mackerelers frequented the bay?—A. About 300.

Q. After the Reciprocity Treaty was abolished, they still came in the same manner?—A. Yes; I saw no difference.

Q. Up to the present time has there been any falling off, and if so, where?—A. There have not been so many since 1871. I have not seen so many in the bay since 1871.

Q. How many, on an average, have you seen in the bay since 1871?—A. I should say about 100; the number may be more.

Q. Of course you are speaking now only of Bay Chaleurs?—A. Yes.

Q. Those vessels come direct to Bay Chaleurs, I believe; they do not stop to fish in the gulf or around Prince Edward Island?—A. Those who come to Bay Chaleurs generally return to the bay.

Q. How many trips will American vessels make in a season to Bay Chaleurs?—A. They generally make two trips, but some will make three.

Q. Since the Treaty of Washington and transshipping has been practiced, have not the vessels made more trips?—A. I am not aware with respect to transshipping; they do not transship in Bay Chaleurs.

Q. Are you aware that they transship at Canso?—A. I am not aware of it.

Q. I believe you have a large cod-fishing business of your own?—A. I do principally a cod-fishing business.

Q. You have men and boats to fish for cod?—A. Yes.

Q. Where do you send your fish?—A. To the Mediterranean and West Indies. There is a large local consumption; we sell a good deal of it in the province.

Q. Do you send any to the United States?—A. No.

Q. The herring fishery along your coast is a large one?—A. Yes, there is a large quantity of herring taken on our coast.

Q. What do you with the herring you take?—A. They are generally shipped to Quebec and Montreal.

Q. None to New York that you are aware of?—A. I think some of the spring herring are sent to the State from the north side of Bay Chaleurs.

I am not aware whether any have been sent latterly, but years ago some were sent from there.

Q. None were sent from your side; the New Brunswick side of the bay?—A. No. They have been sent from our side of the bay to Ireland in pretty large quantities.

Q. How many men and boats do you employ?—A. In my own boats I have 60 men.

Q. In how many boats?—A. I also supply a number of boats; I do not own the boats, but I supply the fishermen.

Q. They are fishing for you?—A. Yes.

Q. Do they fish inshore?—A. Those who fish in my own boats fish inshore.

Q. Those you supply?—A. Those I supply I buy the fish from them.

Q. At a price agreed upon?—A. Yes.

Q. What is the price per quintal you pay for the codfish?—A. Four dollars.

Q. That is after it is dried and cured?—A. Yes, and ready for market.

Q. I suppose, as regards those who fish inshore in your boats, you take the fish and pay them in the same way?—A. Yes.

Q. Are you aware that the people in the county of Gloucester or along the shores of the gulf or Bay Chaleurs ever sent a vessel to American waters to fish?—A. No.

Q. Then to the people of your district the Treaty of Washington is no advantage whatever?—A. Not so far as selling fish is concerned.

By Mr. Foster:

Q. How many American fishing-vessels have you seen yourself within the last few years in Bay Chaleurs?—A. I have seen about 40 myself.

Q. In what year?—A. In 1872, 1873, and 1874.

Q. About the same number in each of those years?—A. Yes; some years perhaps more or less.

Q. That would be the average from 1872 to 1874, inclusive?—A. Yes, of those I saw myself.

Q. How many in 1875 and 1876?—A. There may have been as many those years, but I cannot be as positive in regard to them. My impression is that the number fell off and there were not as many as before. I saw about a dozen this year.

#### No. 66.

RONALD McDONALD, farmer and fisherman, East Point, Prince Edward Island, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How many years have you been engaged in fishing?—Answer. About 15 years.

Q. Is fishing carried on to any extent in your neighborhood?—A. Yes.

Q. With what class of craft do you fish?—A. Boats.

Q. Has that kind of fishing increased much of late years?—A. Yes.

Q. How much would you say during the last five years?—A. It has fully doubled.

Q. And you find it pretty profitable?—A. Yes.

Q. From East Point to the Chapel is one of the best fishing grounds at the island?—A. It is one of the best; I could not say it is the best.

Q. How many boats are engaged from East Point to Georgetown and round East Point?—A. There are a large number, but I could not say how many.

Q. How many about East Point?—A. From East Point to Souris there are probably from 100 to 150 boats; there are over 100.

Q. Are they small boats?—A. Yes.

Q. On the north side of the island, I believe they are larger?—A. Yes.

Q. About how many men to a boat?—A. On the north side about four men to a boat.

Q. How far from the shore do the boats catch their fish?—A. From one and one and a half to two miles of the shore; principally within a mile and a half of the shore.

Q. Have many American fishermen visited you during the last 15 or 20 years?—A. Yes.

Q. You have seen them yourself by dozens and hundreds at a time?—A. Yes.

Q. Where do they catch fish when they come round your part of the island?—A. Principally along the shore.

Q. Do they fish on the same ground as the boats?—A. Yes, pretty much so.

Q. Do the men in the boats catch any fish besides mackerel?—A. Codfish.

Q. To any extent?—A. Yes.

Q. Largely?—A. Yes.

Q. Do they catch these codfish within the three miles or outside?—A. The principal part are taken inside of the three miles. We catch some outside.

Q. In the spring of the year you take large quantities of herring for bait?—A. Yes.

Q. They are taken right inshore?—A. Yes.

Q. Not a quarter of a mile from the shore?—A. Yes.

Q. Have you fished in American vessels?—A. Yes.

Q. How many years?—A. About seven summers.

Q. When did you first go in an American schooner?—A. About 1859 or 1860.

Q. What is the name of the first vessel?—A. Daniel McFie, of Gloucester, Daniel McFie, captain.

Q. Where did you fish?—A. We began to fish along the island towards North Cape, Prince Edward Island.

Q. And you fished along at all the usual places?—A. Yes.

Q. What did you catch that year?—A. About 200 barrels for the season.

Q. How far from shore did you usually fish?—A. We fished mostly all over the bay. The principal part of the fish we got on the Canada shore and Cape Breton shore and along the island. We caught a few on Bank Bradley, and some up northward about Gaspé. The principal part we got on Cape Breton shore.

Q. How many barrels did you catch on Bank Bradley?—A. Not more than from 15 to 20 barrels, perhaps less.

Q. Did you fish at the Magdalen Islands that year?—A. No.

Q. What year was that?—A. 1859 or 1860.

Q. In what vessel did you go next?—A. In Rattler.

Q. How many summers were you in that vessel?—A. One summer.

Q. Who was the captain?—A. Andrew Layton.

Q. Where did the vessel hail from?—A. Gloucester.

Q. How many barrels did she get?—A. About 1,000 barrels.

Q. Captain Layton is always successful apparently?—A. I believe he is.

Q. He is one of the best fishermen in the fleet?—A. In his time, when he was in the bay, I think he was.

Q. Where did you go to fish?—A. I shipped at East Point, Prince Edward Island, and we fished along to West Cape; then up the west shore, up to the Bay Chaleurs; then off Bank Bradley, and afterward at the Magdalen Islands, and away up the Canada shore, above Gaspé.

Q. Did you take fish on Bank Bradley?—A. From 70 to 100 barrels.

Q. Taking the fish you got off East Point, along Prince Edward Island, along the west shore and Canada shore, how far from the land did you catch them?—A. Along the island and the west shore, we got the principal part close to the shore.

Q. How did you do along the west shore?—A. From the time we left Bay Chaleurs we probably got about 200 barrels.

Q. Did you fish in Bay Chaleurs?—A. Yes.

Q. How far from the shore?—A. We tried everywhere; part of the time inshore.

Q. Did you fish much in the center of the bay?—A. No.

Q. You did fish somewhat there?—A. We did.

Q. What proportion of this large catch was taken within three miles of shore?—A. About one-half.

Q. Where did you take the other half?—A. On Bank Bradley and at the Magdalen Islands.

Q. What was the next vessel in which you fished?—A. W. S. Baker.

Q. How many years were you in her?—A. Four consecutive years.

Q. Who was the captain?—A. A. K. Pierce.

Q. What did you catch the first summer in her?—A. Something over 900 barrels.

Q. What the second year?—A. About the same, over 900 barrels.

Q. What was the catch the third year?—A. About 400 barrels.

Q. And the fourth year?—A. About 500 barrels.

Q. What was the size of the schooner?—A. From 98 to 100 tons.

Q. Where did you take the catches those four years—did you go to the same places every year?—A. To pretty much the same places. We generally took a great many round Prince Edward Island and Cape Breton. We got some at Bank Bradley and some at Magdalen Islands.

Q. Those you took at Cape Breton and Prince Edward Island, how far from the shore were they taken?—A. One trip we made I suppose we got about 400 barrels at one time, all inshore.

Q. Taking the fish caught during the whole four seasons, what proportion would be taken within three miles of the shore?—A. At least two-thirds.

Q. You did catch a few on Bank Bradley?—A. Yes.

Q. Were many vessels accustomed to fish on Bank Bradley?—A. We never fished a great deal there, except when we found fish there. One time we got a decent haul.

Q. Did you try there very often?—A. Yes.

Q. And were only once successful?—A. Once we were successful.

Q. That was the only time?—A. The only time in that vessel.

Q. As a rule, where do American vessels go to fish; do they make for Bank Bradley or for inshore?—A. They make for inshore.

Q. Why?—A. Because the fish are generally there.

Q. What was the next vessel in which you fished?—A. Reuniou, of Gloucester. I fished two months in her at the latter part of the season.

Q. Where did you fish?—A. Round North Cape and Malpecque and Margaree.

Q. Were you in British bottoms besides the American vessels you have named?—A. I was in one. I have been mostly boat-fishing since then.

Q. You have been 15 years fishing altogether?—A. That is between boat and schooner fishing.

Q. During those 15 years what would be the average number of the American fleet which came down to the bay?—A. I should say from 400 to 500 sail. I have counted 300 sail at one place; they sailed past East Point, Prince Edward Island, during one day.

Q. Did these 300 vessels fish on the same grounds?—A. Pretty much so; they try all along.

Q. At what distance from the shore were they accustomed to fish as they sailed along?—A. Along the island, generally from one to three miles from shore. That is the principal fishing-ground. Of course they drift off.

Q. Suppose they do not drift off, is it within your knowledge that any fisherman deliberately goes to the open sea, and there hauls to and commences to fish?—A. There may be some cases. Men have different notions about fishing; some prefer one thing and some another. As a general thing they try inshore, and if they cannot get fish they try offshore.

Q. Have you ever been successful in finding fish off shore?—A. We got more inshore than offshore, of course.

Q. Do American schooners injure the boat-fishing?—A. I should think they do.

Q. Do you think they do?—A. Yes; they do.

Q. Are they looked upon as benefactors?—A. The boat-fishermen do not at all like to see them come.

Q. Why?—A. Because they lee-bow the boats, throw out large quantities of bait and take the fish from the boats, so that the boats have no chance with them.

Q. Do you know whether American vessels are down this year?—A. I have not seen many.

Q. You don't know how many there are in the bay?—A. I could not say.

Q. Is this a good fishing year—are you catching plenty of mackerel?—A. There is good fishing round the island. It is a good year where I am boat-fishing.

Q. When the cutters were on the coast did you, when in American vessels, take as large a catch as you used to do? Did they do much injury to American vessels?—A. We never were much injured by them.

Q. How used you to act; did you keep out of the way of the cutters?—A. We sneaked in once in a while. There was one year we had a license.

Q. You then fished where you liked?—A. Yes.

Q. Whether the cutters were about or not, you went inshore to fish?—A. Yes.

Q. Have you no information as to American vessels in the bay this year?—A. Only what I heard from captains.

Q. You have heard from American captains?—A. No; it was from an island captain. Captain James Macdonald, of the Lettie, who has landed 250 barrels, told me he thought about 150 vessels were in the gulf. That was two or three weeks ago.

Q. About purse-seining; you have seen a good deal of it, I suppose?—A. I have seen it, but not much of it.

Q. What do you suppose is the effect of it on the fisheries?—A. I should not think it was any benefit.

By Mr. Foster:

Q. What were the four years you were on the W. S. Baker?—A. 1867, 1866, 1865, and 1864.

Q. In the Rattler you made the best voyage you ever made—1,000 barrels?—A. Yes.

Q. How many trips?—A. Three trips; we got scarcely anything the last trip.

Q. On the first trip, did you go to the Magdalen Islands?—A. Yes.

Q. How many did you catch there?—A. Perhaps 200 barrels.

Q. Did you go to Bank Bradley?—A. Yes; we got some there; about 70 barrels.

Q. What was your whole catch that trip?—A. Five hundred and forty barrels, I think.

Q. On the second trip did you go to the Magdalen Islands?—A. Yes.

Q. How many did you catch there?—A. About 150 barrels.

Q. Did you go to Bank Bradley?—A. No.

Q. What was the whole catch of the second trip?—A. Four hundred barrels.

Q. Where else did you go except to Magdalen Islands?—A. Round the north side of Prince Edward Island.

Q. The third trip was a failure, and you only got 100 barrels?—A. Thereabouts.

Q. Where did you catch those?—A. Principally on the Cape Breton shore.

Q. Now, we will take the four years you were in the W. S. Baker. Did you go to the Magdalen Islands the first year?—A. Yes.

Q. How many trips did you make?—A. Two.

Q. How many fish did you catch round Magdalen Islands on the first trip?—A. Probably about 100 barrels.

Q. Did you go to Bank Bradley?—A. Yes; we probably got 150 barrels there.

Q. How many barrels was the catch of the first trip?—A. About 500.

Q. On the second trip of the first year, did you go to the Magdalen Islands?—A. No.

Q. Did you go to Banks Bradley and Orphan?—A. No.

Q. Where did you make the second trip?—A. In the Bend of Prince Edward Island.

Q. How many barrels?—A. Four hundred.

Q. The next year you got the catch in how many trips?—A. Two.

Q. Did you go to the Magdalen Islands on the first trip?—A. Yes; we got there about 70 barrels.

Q. Did you go to Banks Bradley and Orphan?—A. We got none on Orphan; we got probably 100 on Bradley.

Q. Where did you get the rest?—A. Along Prince Edward Island.

Q. How many comprised the first catch?—A. Something over 500 barrels.

Q. On the second trip, how many did you get at the Magdalen Islands?—A. None.

Q. How many at Banks Bradley and Orphan?—A. None.

Q. Where did you get them all?—A. On the north side of Prince Edward Island.

Q. That brings you down to 1866; you got 400 barrels that year in how many trips?—A. One.

Q. Where did you go?—A. We were out the whole season one trip; we went everywhere through the bay.

Q. Did you go to Magdalen Islands?—A. Yes.

Q. How many did you get there?—A. Probably 50 or 60 barrels; perhaps more.

Q. How many on Banks Bradley and Orphan?—A. We did not get a great many there.

Q. Did you go to Fisherman's Bank?—A. Yes.

Q. How many did you get there?—A. We got a few scattered all over the bay; it was hard picking.

Q. How long did it take you to get 400 barrels?—A. We were from about the last of August to the end of the season, some time in October.

Q. That year when you were so unlucky, you say you did not catch more than half the fish within three miles from the shore?—A. It might be a little over one-half; I could not say positively.

Q. In the last year you fished in American vessels, the last year you were on board the S. S. Baker, you caught 500 barrels, how many trips?—A. One trip.

Q. Where did you go?—A. Principally along Prince Edward Island, round North Cape, and Cape Breton.

Q. Did you go to the Magdalen Islands?—A. Yes. I don't suppose we got over 40 barrels there.

Q. Did you go to Banks Bradley and Orphan?—A. Yes; we got a few fish, I could not say how many.

Q. I understood you to say that different captains had different notions about places where to fish?—A. Some men are more for fishing off shore than others, I believe. That is my opinion.

Q. You usually fish rather inshore?—A. We have done a good deal of it. We get big fishing inshore.

Q. When you begin fishing inshore do you not drift out beyond three miles?—A. Of course, vessels do.

Q. Do you drift out 5 or 6 miles?—A. I call that outshore fishing. We hardly ever drift off that far.

Q. Four or five miles?—A. Sometimes you get mackerel outside, but as a general thing we fish inshore.

Q. In that kind of fishing you think you get more inside of three miles?—A. Yes.

Q. Do you think you get more than one-half of your fish inside of three miles?—A. We made one trip altogether very near the shore.

Q. Of the whole catch, would more than one-half be taken inshore?—A. I should say two-thirds.

Q. You were asked something about the number of American schooners in the bay this year, and you stated that Captain Macdonald had estimated the number at 150?—A. Yes.

Q. How many have you seen yourself this year?—A. I don't think I have seen more than thirty sail this year at one time.

Q. Where did you see them?—A. At East Point, probably three or four weeks ago.

Q. Are there more American vessels there this year than there have been for three or four years past?—A. I could not say, as I am not fishing on board a vessel.

Q. How far out do you go fishing?—A. Sometimes one, two, or three miles.

Q. You have not seen more than 30 American vessels this year at one time?—A. No.

Q. How many did you see last year?—A. I could not exactly say how many at one time.

Q. A dozen?—A. Yes.

Q. More or less?—A. I think more.

Q. How many more?—A. Perhaps 15 or 20 sail at a time.

Q. What was the greatest number you saw together in 1875?—A. I could not tell by the dates.

Q. Only a small number as compared with former years, I suppose?—A. There was not so large a fleet as in former years, for there had been large fleets. Some years I should say there were probably 600 or 700 vessels in the bay.

Q. But the number has diminished during the last five or six years very much, until this year?—A. Yes.

Q. Give the Commission an estimate of the number of American mackerelers on the north side of Prince Edward Island last year.—A. I could not say.

Q. Give the Commission an estimate of the number on your coast; they mostly all go to East Point?—A. Many will go by while I sleep at night.

Q. Do they not stop there if the fish are there?—A. Of course.

Q. Give the best estimate you can of the number of American vessels in the bay last year.—A. Since I was not in a vessel or through the bay, it would be very hard for me to say the number.

Q. You know the number has fallen off very much?—A. Yes.

Q. Is it true that for the last five or six years the number has been quite small?—A. There was not nearly so large a fleet; the number has fallen off, of course.

#### No. 67.

HOLLAND C. PAYSON, fishery overseer for Long and Bryer Islands, residing at Westport, Digby County, N. S., called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. Westport is on Bryer Island?—Answer. Yes.

Q. At the mouth of the Bay of Fundy?—A. Yes.

Q. On the Nova Scotia side?—A. Yes.

Q. On one side bounded by the Bay of Fundy and on the other by St. Mary's Bay?—A. Yes.

Q. St. Mary's Bay is a long bay running up into Digby County; what length is it?—A. About 30 miles.

Q. And how wide is the bay?—A. About nine miles across at our part.

Q. How wide is it at Petit Passage?—A. About six miles; over five.

Q. The northern side of the bay is confined by Digby Neck, a long stretch of land?—A. Yes.

Q. About how long is that neck of land and the two islands?—A. From 27 to 30 miles.

Q. How wide is that neck of land?—A. At some places not over one mile.

Q. All round the neck of land on both sides of it there are valuable fisheries?—A. Yes, for herring and mackerel.

Q. Is it so on the other side of the Bay of St. Mary's?—A. There is fishing all in that bay.

Q. All round the shore of St. Mary's Bay, both shores of Digby Neck, and round the islands?—A. Yes; there is fishing all round there.

Q. You are inspector of fisheries there?—A. Yes; up to Tiverton and Petit Passage.

Q. What do you consider to be the value of the fisheries there?—A. Last year the fishermen exported about \$200,000 worth of fish.

Q. What parts of the coast does that include?—A. The two islands.

Q. From the two islands, which constitute about 7 miles of the 30 miles of the neck on one side of the bay, the fish exported amounted to \$200,000?—A. Yes.

Q. The other portion of the fishery is as good as yours?—A. Well, perhaps not quite; they are not as fully carried out.

Q. Fish are as plentiful?—A. There is fishing all along the coast.

Q. The people on those islands live almost exclusively by fishing?—A. Pretty much altogether.

Q. For a number of years your district has been frequented by small American schooners?—A. Yes.

Q. What kinds of fish do they catch?—A. They catch the same kinds as we do—cod, halibut, pollack, and herring.

Q. They catch their own bait?—A. The small vessels catch their own bait.

Q. Besides these small American schooners, your district is frequented by other American fishing-vessels?—A. A great many other vessels come in mainly for bait, sometimes for ice, and go out again.

Q. How often do they come in for bait?—A. I have known some vessels to come three times in a season.

Q. Where do the small American vessels take their fish?—A. To where they belong, I suppose; they come from along the coast down to Mount Desert.

Q. It is a business that is increasing?—A. Yes.

Q. Do the American vessels fish there during the season?—A. The small fishing-vessels fish there during the season, and the other vessels come in for bait. There are fisheries at Whale Cove and White Cove, from one to three miles above Petit Passage, and quite an extensive fishery about five miles above. The people there complained of the small American vessels coming there and interfering with the fishery. I told them I could not do anything, because the Americans are allowed the same privileges as we are. I also heard complaints of the Americans transgressing the law by Sabbath fishing and throwing gurry overboard. In two cases I issued a warrant, but they got out of the way and it was not served upon them.

Q. Why do the American schooners come over to your district, and not fish on their own coast?—A. They said the fishery on their own coast has failed, and they gave me as a reason that they thought it was a good deal due to the trawling practices.

Q. During how many years have they been coming there?—A. Three or four years.

Q. They gave you that as the reason why they come to your coast?—A. I talk to a great many masters of American vessels. My son keeps an ice-house, and they come there for ice, and I have talked with them about the fisheries, and they told me the trawling had, in a measure, broken up their fishing.

Q. How far from the shore do they catch cod, pollack, and haddock?—A. From half a mile to a mile. The large vessels fish mostly

outside the three miles, but the small vessels fish on the same ground as our own fishermen. The small vessels fish within half a mile or a mile of the shore. They anchor the vessels in the harbor, and go out in boats to fish; they fish close inshore.

Q. Previous to the Treaty of Washington, had you been in the habit of carrying fish to American ports?—A. Yes; I followed that business.

Q. You run across the Bay of Fundy and are in the States?—A. Yes.

Q. How far are you from Grand Manan?—A. About 18 miles.

Q. The boats that fish at your place run across to Grand Manan, and fish there also?—A. Yes.

Q. How long did you carry fish to the United States before the Washington Treaty?—A. For 30 years off and on.

Q. Have you continued the business since the Washington Treaty?—A. No.

Q. Why not?—A. The price has declined so much it does not pay me to go. We get more for our fish in our own markets.

Q. You are aware of the provision of the treaty by which fish goes into the United States free of duty?—A. Yes.

Q. Do you consider that a great advantage?—A. I don't think it is, for under the former *régime*, when we paid the duty, the fish netted our fishermen more than they have since. They brought more money per quintal then than since.

Q. Where have you taken the fish since?—A. To Halifax, St. John, and Yarmouth. A large amount of fish is being sent from Yarmouth to the West Indies.

Q. The people in your district have railway connection with Halifax?—A. Yes.

Q. Are the Americans in the habit of catching halibut on your shores?—A. They trawl for it.

Q. The larger American vessels of which you spoke go out to sea to fish?—A. Yes.

Q. With regard to the American schooners which fish in their skiffs among your boats, is the quantity of fish caught by them less or more than your product?—A. I don't think it is nearly so much. Our fishing is pretty extensive.

Q. In your two islands the product last year was \$200,000. What would be the product of the small American vessels?—A. I don't think the small vessels would catch one-fourth of that.

Q. Do you think one-fourth?—A. Probably less.

Q. The business is increasing?—A. Yes. More people are employed, and there are more vessels.

Q. Since you are so near the States, are you aware that any of your fishermen have gone to American waters to fish?—A. I never knew any.

Q. Do you think it would be worth their while to do so?—A. I never knew one of our vessels go there.

Q. You have heard from American fishermen that the reason why they did not fish on their own shores was in consequence of the failure of their fisheries?—A. They say we can do better to fish at your place than to fish on our own coasts. I have often said to them, Why do you not come down and establish a fishery on our side, where you could better carry on the business than by going home. I offered them a very good stage for the fishing business.

By Mr. Dana:

Q. What reason did they give for not adopting your suggestion?—A. They did not give any particular reason.

Q. I suppose they preferred to live where they had always lived?—  
A. I suppose so.

Q. And partly because they had hope that their own fishing would come up again?—A. Perhaps so. They admitted to me that they had to fish winter and summer, and then did not do more than live. I told them our fishermen only worked five months in the year, and did nothing during the rest of the year.

Q. Does it not cost more to live in the States than where you live?—  
A. We get most of our provisions from the States.

Q. There is considerable trade in that way?—A. If we can get provisions from the States cheap enough to live, those in the States should live cheaper. We have the freight, and sometimes duty, to pay.

Q. Do American Bank fishermen come into your ports for bait?—A.  
Yes.

Q. Are your people prepared to sell it?—A. They supply the vessels generally when they come. More of the vessels go for bait above my district, at Sandy Cove, and some take it in the harbors of Freeport and Westport.

Q. Have you any theory as to the reason why the price of fish has declined in the American market since 1871?—A. No; unless your own people catch more fish and supply your market more.

Q. That is the most natural solution?—A. That is, I suppose.

Q. The duties being taken off, you can send your fish into the American markets free, and you would have a pretty good chance if the Americans were short of fish?—A. Yes.

#### No. 68.

CLEMENT MCISAAC, residing at East Port, Prince Edward Island, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been fishing many years?—Answer. Eighteen years.

Q. A much better class of boats is now employed than formerly?—  
A. Yes.

Q. And more people are employed?—A. Those who used to go with the Americans are employed now in our own fishing, principally with boats.

Q. Do many Americans come in to fish with vessels?—A. They do.

Q. Do they injure the boat-fishing when they come?—A. Certainly they do, very much.

Q. Describe to the Commission how that is.—A. They lee-bow the boats, and throw out a great quantity of bait, and get the fish away from the boats. The boats generally fish on a spring, and they have to get away before the vessels drift down upon them; so the vessels spoil their fishing.

Q. Your boat fishermen do not welcome the Americans with open arms?—A. There is no fear of that.

Q. You would rather keep them away?—A. Yes.

Q. Have you fished on board American vessels?—A. I have.

Q. When did you commence?—A. About 1859.

Q. What was the first vessel?—A. Sarah B. Harris, of Rockport, John Conley, captain.

Q. What did she catch?—A. We made a very poor summer; we caught 230 barrels.

Q. What was the next vessel?—A. Zona.

Q. What year was that?—A. 1860.

Q. Were you fishing mackerel?—A. No; we were trawling, at Cape North in Cape Breton, and between Broad Cove and Kimbo.

Q. Where did you take the cod?—A. From one to two miles from shore; about a mile and a half off.

Q. Did you get a catch?—A. A pretty decent catch; I do not remember how many quintals.

Q. Did you get any bait there?—A. We got a few mackerel on the Banks where we were fishing, and we got a supply of fresh herring at Magdalen Islands. We got sixteen barrels, half of which we caught in Pleasant Bay. We had only to drop our nets over the side of the vessel to take them.

Q. What was the next vessel you were in?—A. John P. Hale, of Rockport.

Q. How many barrels did you catch?—A. 370.

Q. That was in 1864?—A. Yes.

Q. When did you next go in an American vessel?—A. In 1868.

Q. What is the name of the vessel?—A. Ada Fry.

Q. What was the catch?—A. About 170 barrels. We were afraid to come inshore on account of the cutters, which used to dart inshore after a time.

Q. That is why you made such a poor catch?—A. Yes.

Q. Were many American vessels in the bay that year?—A. There were, off and on, between 400 and 500.

Q. Did you go next year in an American vessel?—A. No; in a Dominion vessel.

Q. How many fish did you catch?—A. 500 barrels, two trips.

Q. In what vessel did you fish in 1870?—A. Thomas Hunt, of Gloucester.

Q. How many barrels did you catch?—A. Two hundred and seventy, one trip. In 1871 I was in the George P. Rice, of Gloucester; we took 170 barrels; she was a vessel of 80 tons; we were five weeks in the bay making the fare. In 1873 I was in Lizzie Williams, of North Haven; we took 270 barrels.

Q. It is said there was a smaller number of American vessels in the bay that year. How many were there?—A. Between 300 and 400.

Q. In all those vessels where did you catch the fish?—A. In John P. Hale we began at Port Hood Island and took 70 barrels when we first hove to, three-quarters of a mile from shore. The next part of the voyage we made between First Chapel, Georgetown, and East Point, and it was a very remarkable thing, we got them in very shoal water and in a very short time.

Q. How close to the shore?—A. About three-quarters of a mile off shore.

Q. Taking your experience all through, what proportion of the fish did you catch within three miles of the shore?—A. I never caught 100 barrels outside of three miles. I always fished in shoal water.

Q. As far as your experience goes and from what you saw the other fishing-vessels catching, where did they take their fares?—A. Generally out in about the same ground as we did.

Q. You did not catch any on Bank Orphan?—A. I never took 10 barrels there.

Q. Nor on Bank Bradley?—A. No.

## No. 69.

LAUGHLIN MACDONALD, residing at Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined:

By Mr. Davies :

Question. Have you been engaged fishing for many years ?—Answer. About all my life.

Q. With regard to the fishing about East Point, how far out from shore is it done ?—A. From one mile and a half to two, and sometimes three miles out.

Q. Are mackerel taken four to five miles out ?—A. Not that I know of.

Q. Have you fished much in American vessels ?—A. Eight or nine years. I fished in the Equator, of Newburyport, in 1861 ; we took 350 barrels of mackerel in the gulf. In 1862 I was on board the Spartley, of Maine ; we took 90 barrels in five weeks ; I did not remain on her the whole trip. In 1863 I was on the Ianthe, of Portland ; we made one full trip, and caught 130 barrels. In 1864 I fished on the S. A. Parkhurst, of Gloucester ; we caught 250 barrels in one fall trip.

Q. Where did you get your trip in the fall ?—A. Round Prince Edward Island and Cape Breton.

Q. Were any taken off shore ?—A. No.

Q. Don't American vessels get their fall trips all inshore ?—A. From my experience, they do.

Q. In 1866 what vessel were you in ?—A. The Franklin Snow, of Gloucester ; we caught 690 barrels. Of the fish taken during the two trips, two-thirds were taken inshore. In 1867 I was on the A. H. Wanson, of Gloucester ; we made a fall trip, and got 280 barrels. In 1868 I was on the Sergeant S. Day, of Gloucester ; we caught 750 barrels. In those years there were on an average 400 or 500 vessels in the bay. During the first year I went there the vessels would number about 700, but after that the average would be from 400 to 500. In 1869 I again went on the S. S. Day ; we made two small trips. In 1870 I was in the Ruth Groves, of Gloucester ; we got 240 barrels one trip. In 1871 I was again on the same vessel ; we got 330 barrels. We made one trip which lasted the whole season.

Q. What proportion of these catches was taken within three miles of shore ?—A. I may safely say two-thirds.

Q. And did the American vessels you saw catch their fish about the same distance from shore ?—A. Yes.

Q. Did you ever fish on Banks Bradley and Orphan ?—A. Yes ; I fished on Bradley more than once, but never caught anything.

Q. Do the Americans value Bank Bradley as a good fishing ground ?—A. I rather think not.

Q. Not so good as inshore ?—A. No.

Q. They all make for inshore ?—A. Yes.

Q. Do you think any American vessels would come down to the gulf unless they were allowed to fish within the three-mile limit ?—A. I don't think so.

Q. Have you knowledge of any of our vessels going to American waters to fish ?—A. I have only heard of one, the Lettie.

## No. 70.

JOSEPH BEATON, residing at East Point, Prince Edward Island, farmer and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been much engaged in boat-fishing?—Answer. Yes.

Q. Boat-fishing has become very prevalent at your end of the island, I believe?—A. Yes.

Q. It is paying well?—A. Yes; of late years.

Q. The people are largely engaged in it?—A. They are.

Q. How far do they go from shore to fish?—A. From half a mile to two miles.

Q. All the fish is caught within that distance from shore?—A. Nearly all.

Q. Do the Americans come down there and fish much?—A. They do a great deal.

Q. Where do they fish?—A. They fish where we get our fish, from half a mile to two miles of the shore.

Q. Have you seen large numbers of them?—A. Yes.

Q. How many have you seen fishing on those grounds at one time?—A. From 130 to 200 vessels is the largest fleet I have seen at one time. I had a bird's-eye view of it.

Q. Are they there all the season fishing?—A. Yes.

Q. And they fish within the distances you have mentioned?—A. A few may fish off shore.

Q. You have been fishing with them yourself?—A. I have.

Q. How many years?—A. Four summers. In 1864 I was in the Forest Queen, of Gloucester. We made three trips and took 970 barrels. We fished up Bay Chaleurs and along Prince Edward Island. We took a few barrels at the Magdalen Islands, perhaps 60 barrels, on the second trip. Then we came over to the island and filled up. We also went to Cape Breton. Four-fifths of the whole catch was taken within three miles of the shore. We transshipped one cargo at Canso, or we could not have made three trips. I was next in Galena, of Gloucester. We made two trips and caught between 950 and 970 barrels. We caught most of them along the island coast, on the north side. Perhaps 80 barrels we took at Magdalen Islands. The rest we took off the island, Cape Breton, and in Bay Chaleurs. We did not get many in Bay Chaleurs. We caught those in Bay Chaleurs close inshore. We tried the center of the bay, but did not get any there. We also tried Bradley and Orphan Banks, but did not get any there. About four-fifths of the catch we took inshore. The last trip we took wholly inshore. I believe as a general rule American vessels take nearly all the fall trips close inshore of Cape Breton or Prince Edward Island. During spring and summer mackerel are more scattered. The fish at those seasons are not so good; they don't bring half the price of fall fish; the rich mackerel, as a general rule, are inshore. In 1867, I was in Joseph F. Allan, Capt. R. Beaton; we made two trips and got 680 barrels. It was a little higher than the average catch of the American fleet; the average of the vessels would be from 550 to 600 barrels. We fished on the same grounds as previously, and we got about the same proportion inshore. I never remember seeing an American vessel make large catches outside. In 1871 I was in Isaac P. Rich, of Boston, Captain Pierce; we made one

trip and took 350 barrels. About 400 American vessels were in the bay that year. We caught the fare on about the same ground.

Q. Your experience is that during the time you were fishing on American vessels you took four-fifths of your catches within three miles of the shore, and that the fall trips were nearly all taken inshore?—A. Nearly all.

Q. Did you ever hear of a Canadian vessel going to fish in American waters?—A. I heard of one. I do not remember any.

#### No. 71.

JAMES MCINNIS, Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you fished much in boats of late years?—Answer.  
Yes.

Q. And found it profitable?—A. Yes.

Q. Most of the island people do that now?—A. Yes.

Q. Where did you catch the fish?—A. Close to the shore.

Q. How far out?—A. From half a mile to two miles and a half.

Q. Do you fish for cod?—A. Yes.

Q. Where do you take them?—A. From half a mile to three miles from shore.

Q. As a rule are cod taken beyond three miles by boats?—A. Not by boats.

Q. Vessels do so, I believe?—A. I never fished in vessels for cod.

Q. You have fished in American vessels?—A. Yes; during ten years. In 1858 I was in Freeman, of Maine. We caught 150 barrels; she was a small vessel and we made one trip—a summer trip. In 1859 I was in Union, of Provincetown; we made one trip and caught 200 barrels; she was a medium-size vessel. In 1860 I went on Congress, of Gloucester; we made two trips and caught 220 barrels; in the fall trip we got wrecked. In 1861 I was in Florence, of Gloucester; we took 350 barrels. In 1862 I fished in J. G. Curtis, of Gloucester; we caught 350 barrels. In 1864 I was in a British vessel, E. E. Hudson; we caught 250 barrels. In 1866 I fished on Mary Ellen, a British vessel; I left her before the trip was finished. In 1867 I fished in Alexander McKenzie, of Barrington, N. S.; we took 300 barrels. In 1868 I was again on Alexander McKenzie; we caught 350 barrels. In 1870 I was in Ruth Groves, of Gloucester; we made one trip and took 240 barrels; it was a summer trip. In 1871 I was on Ruth Groves again; we caught 330 barrels. In 1872 I fished on Northerner, of Gloucester; we took 350 barrels. In 1873 I sailed in David J. Adams, of Salem; we made one trip and caught 300 barrels. The same year I was in Etta E. Tanner, of Gloucester; we made one trip and took 200 barrels.

Q. When in those eleven vessels where did you catch your fares?—A. The most of them inshore, along the island, some at the Magdalen Islands. We did not catch many off Cape Breton or the western shore or Bay Chaleurs. The principal fishing ground was off Prince Edward Island. We caught none on either Bradley or Orphan Banks.

Q. What proportion of the fish caught by those vessels did you take within three miles of the shore?—A. Two-thirds, I think.

Q. Did the other American vessels in the fleet fish in the same places you did?—A. Yes.

Q. Did they make their catches on Banks Bradley and Orphan, or

within three miles of the shore!—A. I cannot tell much about Bradley and Orphan Banks, for I have not fished there. Those vessels I saw fishing were taking the fish inshore.

Q. What was the average number of the American fleet in the bay when you were there!—A. I could not tell the number. There would be 300 or 400 vessels there; a good many would be English vessels.

By Mr. Dana:

Q. Your people have now pretty much abandoned deep-sea fishing and taken to boat-fishing!—A. Yes.

Q. They don't try fishing outside?—A. No.

#### No. 72.

ALEXANDER MACDONALD, of Souris, Prince Edward Island, captain of a coasting schooner, called on behalf of the government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been fishing for many years?—Answer. For six years.

Q. In American vessels?—A. I was in the Galena, Warrior, and Joseph F. Allen (two years), fishing in the gulf. The principal part of our fares we got around Prince Edward Island and Margaree.

Q. What proportion was taken within three miles of the shore?—A. Fully two-thirds.

Q. Did you see American vessels in the bay?—A. Yes; perhaps a hundred sail in a fleet together.

Q. Did they fish on the same ground as you did?—A. Yes; they were scattered round one, two, or three miles from shore.

Q. In your opinion two-thirds of the catches of the vessels were taken inshore; would the same proportion apply to other American vessels?—A. Yes.

#### No. 73.

JOHN MCLELLAN, Souris, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You have been fishing, I believe, the greater part of your life?—Answer. It is about 16 years since I first commenced fishing.

Q. Have you fished in American vessels?—A. I fished in four American vessels.

Q. And in many British vessels?—A. Two or three.

Q. Where did you fish in the gulf?—A. All along the bay.

Q. Around what coast?—A. Most of the cod-fishing we did was round Prince Edward Island and Cape Breton.

Q. How far off the shore?—A. The most of all the fish I ever caught in vessels were taken inside of three miles of the shore.

Q. Would you say the bulk of them was taken one or two miles, or two and a half miles from the shore?—A. From one to two miles. I fished on Bank Bradley four years ago; we caught 75 or 80 barrels there on 4th July. The vessel was the Lydia A. Harvey.

Q. What proportion of the whole catch was taken inshore?—A. Most of the fish I caught in the bay was caught inside of three miles.

Q. Will you place it at one-half or nine-tenths?—A. Three-fourths, I should say.

Q. In the fall, I believe, all the fish are taken inshore?—A. Yes.

Q. Did you witness the American fleet fishing during the years you were fishing?—A. Yes.

Q. Did all the vessels fish about the same places you did?—A. They were scattered all over the bay.

Q. What you saw fishing, were they fishing out in the deep sea or within two or three miles of land? What proportion took fish inshore?—A. Three-fourths of the fish would be taken inshore.

By Mr. Dana:

Q. You have spent the most of your life in boat-fishing?—A. A good part of it.

Q. You say you were only four seasons on American vessels and two or three on British vessels out of 16 years' experience fishing?—A. Yes.

Q. You people have pretty much given up deep-sea fishing for boat-fishing?—A. Yes.

By Mr. Davies:

Q. Our people used to fish a good deal in vessels at one time?—A. Yes.

Q. You find the shore-fishing more profitable?—A. Yes.

By Mr. Dana:

Q. The American vessels had the advantage of your vessels in having better bait and being better organized, and were worked by your own people to a large extent?—A. We can get as good bait down there as the American vessels can.

Q. Mackerel bait?—A. Yes.

Q. Anything as good as menhaden?—A. Yes; and I believe we have the best men.

Q. The American schooners are better vessels and better supplied?—A. Yes; the vessels are better.

Q. Are they not better supplied with all the comforts of life?—A. I don't see any difference.

Q. Taking all together, are not American fishermen more successful than British vessels?—A. I don't think it.

#### No. 74.

BENJAMIN CHAMPION, Alberton, Prince Edward Island, fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. DAVIES:

Question. How many years have you prosecuted the fishery business?—Answer. Seven years in vessels and four years in boats.

Q. How many men are there to a boat?—A. Five men to some boats.

Q. Where do you catch the fish at the west end of the island?—A. Right inshore.

Q. How close to shore?—A. One and one mile and a half off. Just now the fish are very close in.

Q. The boat-fishing is all inshore?—A. All inshore, particularly the last few years.

Q. Have you caught much cod?—A. Great quantities.

Q. Have you seen many American vessels round the coast?—  
A. Yes.

Q. How many have you seen at Cascumpecue Harbor?—A. I have not seen them there of late years, as the harbor is a little shallow. I have seen 250 sail in there some years ago.

Q. Where used the vessels to catch their fish, and where do they catch them now?—A. They fish very often close inshore. I have known some of them lying aground.

Q. Generally when American vessels have come to the island, how far from shore have they made their catches?—A. They fished very frequently close in, but I could not say where they got most of their fish. We generally get our fish close inshore.

Q. I believe you were a number of years on an American vessel?—  
A. I was six years captain of a vessel in the bay, and one year on an American vessel, but not as captain.

Q. During those seven years where did you catch your fish?—A. Two-thirds inside of the three miles.

Q. Would any American fisherman come to the bay unless he had the privilege of fishing inshore?—A. No; I have heard several captains say they would not do so unless they had permission to fish inshore or could get a license.

Q. How many vessels composed the American fleet?—A. It was a large fleet. There would be 300 sail together at a time. They might not all be Americans. I have seen 250 or 300 vessels. I could not say how many composed the whole fleet. There is a fleet round Bay Chaleurs, another at Magdalen Islands, and another in the gulf.

Q. You say two-thirds of your catch were taken within two or three miles of the shore?—A. That is my opinion.

Q. Does that apply to Bay Chaleurs and Cape Breton as well as the island?—A. Yes.

Q. Is this a pretty good fishing year?—A. It is a very good year up our way; there has been only one year that was better during many years, and that was four years ago.

Q. They have made large catches, I believe?—A. Some boats have taken 150 barrels.

Q. It is looked upon as one of the best fishing years you ever had?—  
A. Yes; one of the best years. One stage landed 700 barrels with five boats. I have seen them and packed some of them myself.

Q. Have American vessels come down this year?—A. There are about 30 sail round the west shore. They are fishing right inshore.

Q. Are they making good catches?—A. Pretty fair. I should think they would do so, as mackerel are plentiful. The mackerel-fishing at the north end of the island is very good.

By Mr. Dana.

Q. Don't you know that Americans have come back from there and reported very poor catches?—A. I am not aware. I think it may be because the fish are close inshore.

Q. You know what the papers say?—A. No.

Q. You have seen the papers?—A. I heard a man say he saw some seiners going home pretty early.

Q. Don't you know that the report is of a bad catch, and that several witnesses called by the British Government have said there was a poor catch, a bad catch?—A. It might be so.

Q. There might be fish enough, but a bad catch?—A. I heard Captain Macdonald say the fish were too close in for the seines.

Q. So there might be a good time for the boats and a bad time for the vessels?—A. That might be the case.

Q. Do you know how it is that some vessels which went there have returned?—A. I don't know. I have not spoken to many, only to two or three captains.

Q. Is it not pretty late to talk about the prospects of good fishing if there has been a bad catch so far?—A. I am speaking of our own fishing-grounds; I do not mean the Gulf of St. Lawrence, but I refer to our own fishing-grounds at the north end of the island.

Q. Generally, it has been a poor catch so far?—A. It might have been for vessels.

Q. All prospects lay in the future?—A. I should say, from my experience, that there is a pretty good prospect for vessels at Margaree when the mackerel work southward. As a general thing, they take them there every fall when the mackerel are in the bay.

By Mr. Davies:

Q. September and October are the great months for taking mackerel?—A. Yes; they are taken at Port Hood, Margaree, and the east point of the island till late in October.

By Mr. Dana:

Q. You cannot undertake to say how the catch will turn out?—A. No.

By Mr. Davies:

Q. You can tell pretty well how it will turn out?—A. If I had a vessel and was trying to take mackerel, I would go there to fish.

### No. 75.

MONDAY, September 17, 1877.

The Commission met.

JOHN C. CUNNINGHAM, master mariner, of Cape Sable Island, N. S., was called, on behalf of the Government of Her Britannic Majesty, sworn, and examined.

By Mr. Thomson:

Question. Cape Sable Island lies in the southern portion of the county of Shelburne, Province of Nova Scotia?—Answer. Yes; it is the most southern part of the Province of Nova Scotia.

Q. You are engaged in the fishing business?—A. Yes; at present.

Q. How long have you been so engaged?—A. For four years.

Q. Have you on your coast a deep-sea as well as a shore fishery?—A. Yes.

Q. Is there a large boat-fishing carried on in that neighborhood?—A. Well, I think that there are about 150 boats owned around Cape Sable Island.

Q. Is this boat-fishery carried on along the whole shore of the county of Shelburne?—A. Yes.

Q. What would be the number of boats owned in the county of Shelburne, as far as you are aware?—A. I think about five hundred.

Q. What fish are taken inshore?—A. Cod, pollock, halibut, mackerel, herring, and lobsters.

Q. Is the boat-fishery prosecuted for halibut?—A. No.

Q. What fishery are the boats engaged in?—A. They are chiefly engaged in the cod, pollock, and lobster fisheries; they also use nets to catch herring and mackerel.

- Q. Do they not take mackerel with hand-lines as well as nets?—A.  
No.
- Q. Mackerel are taken in nets?—A. Yes; altogether.
- Q. Are the nets hauled from the boats or the shore?—A. They are set along the shore in our bays and harbors.
- Q. Do I understand you to mean that the boats are altogether used for the catching of pollock and cod?—A. And mackerel—yes.
- Q. Do you take large quantities of cod and pollock with the boats?—A. Yes—quite a quantity.
- Q. What do you do with the cod?—A. We send them to this, the Halifax market.
- Q. Do you also send pollock to this market?—A. We send them mostly to the States—to the Boston market.
- Q. Do the Americans fish much around your shores?—A. Yes.
- Q. Do they fish close to the shore—within three miles of the shore?—A. O, yes. A great many of them fish for halibut within three miles of it.
- Q. About how many vessels every year?—A. I could not give the number.
- Q. Can you give an approximate to it?—A. Perhaps one vessel might come there ten times, and 100 vessels fish along the shores of the county of Shelburne.
- Q. Nearly 100 vessels come there for that purpose, by counting one vessel ten times?—A. Yes.
- Q. Do you mean that each vessel makes ten trips?—A. Invariably about forty vessels fish along that shore every year.
- Q. And they make ten trips each?—A. I do not say that exactly.
- Q. How many do they make on the average?—A. Perhaps from five to ten trips each.
- Q. Where do they take the halibut?—A. I cannot tell you that.
- Q. But these fish are taken there by the Americans?—A. Yes; and conveyed to the American market—to New York, and Gloucester, and other points.
- Q. Do they take these fish there in the fresh state?—A. Yes.
- Q. How do they so preserve the fish?—A. Some are carried in smacks, and others in ice.
- Q. Smacks are vessels with holes having water in them?—A. Yes; they are provided with wells.
- Q. They have false bottoms, and water in them, in which the halibut are kept fresh?—A. They are welled off amidships, with tight bulkheads, and the water flows in and out. More fish are, however, taken to market in ice than in that manner, in smacks.
- Q. What is the size of the vessels?—A. From 25 to 60 tons.
- Q. Are there none larger than 60 tons?—A. Perhaps.
- Q. If some of them make ten trips in the course of the season, what number would you say the average of them would make?—A. Perhaps seven.
- Q. When do they commence fishing?—A. In May.
- Q. And do they fish the whole season through?—A. No; nothing is done in halibut-fishing after the last of August.
- Q. These fish then disappear?—A. A few may be caught on our coast in September.
- Q. How are they taken?—A. By trawling.
- Q. Is the effect of trawling on this fishery good or bad?—A. It is bad, as it kills the mother fish.

Q. Do you think that it will destroy this fishery eventually?—A.  
Yes.

Q. How much within three miles do these vessels which fish for halibut within that distance from the shore come?—A. I could not say; some perhaps fish within 1½ miles of the shore. Where I am engaged in prosecuting the fisheries some of the American vessels fish within 1½ miles, and others within two miles of the shore, and so on.

Q. Are any cod and halibut taken outside of the three-mile limit?—A. O, yes; but this is not so much the case with halibut as with cod.

Q. Do many American fishermen fish there outside of three miles from the shore?—A. Undoubtedly; some 75 American sail do so around the shores of the county of Shelburne.

Q. Where do they get their bait?—A. In our harbors.

Q. Do they come in for it?—A. Yes.

Q. What bait do they chiefly get?—A. Mackerel—the large spring mackerel.

Q. Are these a poor kind of mackerel?—A. Yes, they are rather thin.

Q. Could the Americans carry on the offshore or Bank fisheries, or the fisheries outside of three miles from the shore, if they could not obtain bait from these harbors, and inside of three miles from the coast?—A. They could not, on our shore.

Q. Do they come over and get the bait from you?—A. Yes.

Q. Do they come from their shore without bait?—A. Yes; they cannot get bait on their own shore.

Q. They tell you so, I suppose?—A. Yes; and we know it without their telling it.

Q. The Americans do not bring bait with them, and afterwards get supplies of it from you?—A. No.

Q. When do those who fish outside the three-mile limit begin fishing?—A. Between the 10th and 15th of May.

Q. What is the size of these vessels?—A. They will average 50 tons.

Q. About how many barrels of bait do they take?—A. The trawlers will take 25 barrels a trip.

Q. How often, in the course of the season, will they come in for bait?—A. Once a fortnight.

Q. They are obliged, in this fishery, to have their bait fresh?—A. No; they could use salt bait, but with it they could not prosecute the fishery to any advantage.

Q. Then, in fact, they are obliged to use fresh bait if they desire to be successful, are they not?—A. Yes.

Q. Speaking as a practical man, do you consider that they could carry on this fishery with salt bait alone?—A. No; it would not pay expenses if salt bait was employed.

Q. Then I presume that no prudent man would carry it on with salt bait?—A. No.

Q. How do you know that it would not pay expenses with salt bait?—A. From the very fact that I am an owner of fishing-vessels and fish myself; and I thus know that when we cannot get fresh bait, we cannot prosecute the fishery and pay expenses.

Q. This is your own practical knowledge?—A. Yes; it is practical; there is no theory about it.

Q. Have you ever commanded a fishing-vessel yourself?—A. Yes; many years ago. Then we could get fish anywhere.

Q. How long ago is that?—A. It was in 1857

Q. Did you then use salt bait?—A. No. We at that time used clams, which we dug up on the flats.

Q. Where did you fish then?—A. On the same ground as now.

Q. Outside or inside?—A. Outside.

Q. And then you used clams?—A. Yes.

Q. Do you use clams now?—A. We cannot get them. The supply is exhausted.

Q. Did you ever then use salt bait?—A. We employed it very seldom.

Q. And you then fished altogether with clams?—A. We fished mostly with them. We also used a little bait which we procured on the ground, but very little of it. Clams will keep fresh a week.

Q. Do you own fishing-vessels?—A. Yes.

Q. Where do they fish?—Some on the Banks and others near Cape Sable.

Q. To what Banks do you refer?—A. To Banquereau and Grand Bank.

Q. Do they fish for cod?—A. Yes.

Q. What do you bait with?—A. Sometimes with mackerel, sometimes with herring, and sometimes with squid. They get bait wherever they can find it.

Q. I suppose that you supply them with bait when they first go out?—A. Yes.

Q. And afterwards they come in and get bait wherever they can?—A. Yes.

Q. How often have your vessels come in for bait?—A. Once a fortnight.

Q. How long does it ordinarily take one of your vessels to get a fare?—A. That is a hard question to answer. It depends on the abundance of the fish. A vessel generally makes two fares in three months. An ordinary banker is of 60 tons burden.

Q. Do you salt and pack the cod on board?—A. Yes.

Q. What would be a full fare for a vessel of 60 tons?—A. 800 quintals, and 1,600 for the two trips. The Cape Sable fishing-vessels average about 1,000 quintals.

Q. And during this time they have to come in somewhere on the Nova Scotian coast once a fortnight for bait?—A. Yes.

Q. And without this privilege you could not carry on the fishery?—A. No; not to any advantage.

Q. If you did so you would soon be bankrupt?—A. We could not carry on the fishery at all under such circumstances. It would not pay expenses.

Q. About how many barrels of mackerel have been caught this year, and shipped from the county of Shelburne?—A. About 14,000 barrels.

Q. Do you ever refuse to supply the Americans with bait?—A. No; it is not an object among fishermen to refuse other fishermen bait.

Q. Though this occasions the former loss?—A. Yes.

Q. And you have given it to them?—A. We do, if they are not able to pay for it.

Q. I suppose that a man in your business would not be thought well of if he allowed any Americans to go off without bait?—A. That is the case.

Q. You consider that such a person would be rather a mean sort of a man?—A. He might be considered so.

Q. There is a sort of understanding among you, to the effect that, whether you lose by it or not, you must let the Americans have bait?—A. We are not obliged to do so, but we do it to accommodate them.

Q. That is a sort of understood rule amongst you?—A. Yes.

Q. A man would not be thought well of if he had bait and would not supply it?—A. He would not be thought much of.

Q. And the bait the Americans take is chiefly mackerel?—A. Yes.

Q. And I suppose that you could salt and barrel this mackerel?—A. We can take care of all the mackerel we can catch without selling them in the fresh state. It is no accommodation, gentlemen, to us, to be able to sell our fish fresh—not in the least.

Q. I suppose that you send your mackerel chiefly to the States?—A. Yes.

Q. Do you send any to the West Indies?—A. No.

Q. How do you send them to the States?—A. Salted.

Q. Do your mackerel there command as good a price as American-caught mackerel?—A. Yes; I think that they command a little advance over American-caught mackerel.

Q. Do you take much advantage of the privilege you possess of being able to fish within three miles of the American shore?—A. No; none at all.

Q. Is it of any use whatever to you?—A. No; not in the least.

Q. I believe that the Americans take the fish on their shores from 10 to 15 and 20 miles and more out, as a rule?—A. They cannot carry on the fishery within two or three miles of the shore in their mode of fishing; there is not water enough.

Q. Is this because they use purse seines?—A. Yes.

Q. And these require deep water?—A. Yes.

Q. Do the Americans have any traps on your shore for the purpose of securing bait?—A. I believe that one trap in Shelburne County is in part owned by an American.

Q. Where is this?—A. On St. John's Island.

Q. Do they take much in this trap in the course of the season?—A. Yes; considerable.

Q. And the fish thus caught are chiefly mackerel?—A. They are all mackerel.

Q. Do squid come in on your shore?—A. No.

Q. Never?—A. No.

Q. Do they come in around Shelburne County at all?—A. No; I do not think that squid are to be obtained until you get east of Shelburne County. There are none to the westward of it. No squid are caught off Cape Sable for bait.

Q. Would you be better off if the Americans were kept altogether off your coast, leaving the fisheries within three miles of the shore to yourselves?—A. I do not see what advantage is obtained by us owing to the presence of the Americans.

Q. Would you rather have the fisheries to yourselves, and pay a duty on fish sent into the American market?—A. Yes.

Q. Do you think you would get the same price for your fish there whether a duty was imposed or not?—A. Yes.

Q. Why?—A. Because there are not fish enough caught by the Americans to supply their own consumption. They have got to buy these fish in some other market.

Q. You think that the supply in their own waters is limited?—A. Undoubtedly it is.

By Mr. Foster:

Q. I understood you to say that an American was part owner of a trap on St. John's Island; who is he?—A. Mr. Mayo, of Boston.

Q. Does he come up there and manage it?—A. No.

Q. Who manages it for him?—A. Captain Kinney, who lives at Barrington. He is a partner with Mr. Mayo.

Q. So it comes to this: that this American, who lives in Boston, has in Nova Scotia a partner who carries on the business, while Mr. Mayo is paid his portion of the profits?—A. Yes.

Q. How many American mackerel-fishers have you seen this summer in the vicinity of Shelburne County?—A. I have not seen any.

Q. How many American halibut-fishers have you seen there this summer?—A. Perhaps 40.

Q. Do you know any of the men engaged in this fishery?—A. No; not one.

Q. Do you not know the names of the vessels?—A. No.

Q. Do you know where their vessels come from?—A. I could not now recollect. Some come from New London, some from Newport, and some from Gloucester.

Q. And you estimate that their number in all is 75?—A. If I had supposed that I would have been questioned on this point, I could have got the names of all of them.

Q. Can you give the name of one of them?—A. No.

Q. How near have you been to them?—A. Within a mile; yes, and within a quarter of a mile of one of them once, I suppose. I then asked how they were making out.

Q. What were you then doing?—A. I was coming from Boston in my own vessel.

Q. Were you acting as captain?—A. Yes.

Q. Do you make trips between Shelburne County and Boston?—A. Sometimes; yes.

Q. And sail your own vessel?—A. Yes.

Q. What is your cargo?—A. I carry mackerel.

Q. That is your business?—A. Yes.

Q. Do you buy these mackerel?—A. We catch them ourselves.

Q. Do you carry any mackerel besides your own to Boston?—A. Sometimes we do, as freight.

Q. Your business is to carry the fish you catch over to Boston?—A. It is a portion of it.

Q. And of the 14,000 barrels you mentioned, how many have you taken?—A. 900.

Q. How were the rest of the 14,000 barrels taken?—A. In different vessels of our own.

Q. How many mackerel-fishing vessels are owned in Shelburne County?—A. We do not prosecute the mackerel fishery in the vessels to which I refer.

Q. Are there any mackerel-fishing vessels in Shelburne County at all?—A. I think there are a few; two or three, perhaps.

Q. Do you remember whose they are?—A. No.

Q. The bulk of your mackerel is caught in boats?—A. It is taken in traps.

Q. How many traps are there?—A. 20.

Q. How many do you own?—A. I own shares in 6.

Q. What do you bring back from Boston?—A. Mostly ballast.

Q. You sell your fish for cash there?—A. Yes; and I fetch back the gold.

Q. And it was on a return voyage from Boston when you passed within a quarter of a mile of an American halibut-fishing vessel, and asked the captain how he was doing?—A. Yes.

Q. What was the reply?—A. He said that he was not doing much; that he had got 130 halibut.

Q. Was that vessel a smack?—A. I think so. She was a New London vessel, at any rate.

Q. How far was she from the shore?—A. She was about one and a quarter miles from a little island which lies off Seal Island and Cape Sable.

Q. How far was this from Cape Sable?—A. 18 miles.

Q. How large is Seal Island?—A. I think that it is about three miles long.

Q. Are there two Sable Islands?—A. There are Sable Island and Cape Sable Island. This vessel was close to Seal Island. There were three American vessels in the vicinity.

Q. Are there any inhabitants on Seal Island?—A. Yes, a light-house and fog-trumpet are stationed there; and besides those who take care of them, I think that there are two families on the island. I saw the vessel in 25 fathoms of water, I think.

Q. And you think that this American vessel was catching halibut in 25 fathoms of water?—A. Do I think it? I know it. There is no thinking about it.

Q. Did you see her catching halibut?—A. No; but they told me they were doing so.

Q. Did they tell you they had caught halibut in 25 fathoms of water?—A. Yes.

Q. Is this the usual depth at which halibut are caught?—A. No; the usual depth is from 10 to 200 fathoms.

Q. How near the shore are 200 fathoms of water found, say near Seal Island?—A. I do not think that this depth is to be found in the Bay of Fundy. We will say that it is to be met with 40 miles off shore.

Q. Did you see any other American halibut-catcher in that vicinity this summer?—A. They had been there all summer, more or less—not exactly about Seal Island, but in and out, and along the shore of Cape Sable.

Q. Did you see any other such vessel at the place where you saw this one, which was fishing, you say, in 25 fathoms of water?—A. I saw three of them the same morning.

Q. Did you speak to the others?—A. No.

Q. Do you know where they came from?—A. No, with the exception of this particular vessel; and I do not remember her name.

Q. Nor the captain's name?—A. No. I know, however, that they were all American vessels.

Q. Have you seen any other American halibut-catchers this summer; and, if so, how near were you to them?—A. They have laid off the island where I prosecute the mackerel fishery all spring.

Q. How nigh were you to them?—A. Within 1½ and 2 miles, and so on.

Q. They were fishing there?—A. Yes.

Q. Give us the largest number of them which you have seen at any one time?—A. I saw three of them once.

Q. When?—A. In May.

Q. How near the shore were they?—A. They were about 1½ miles from it, and perhaps 2 miles. I did not measure the distance.

Q. Have you seen any others besides the three you mention as having seen when returning from Boston, and the three in May near the place where your trap is?—A. Yes; and plenty of them.

Q. Tell me about them.—A. I cannot tell you particularly about

them, as I did not take much notice of them. They have been laying around the cape all summer.

Q. Will you mention one out of the plenty you have seen, besides the six vessels in question?—A. I could not name any of them in particular.

Q. Will you name the month when you saw them?—A. I see them every day when at home.

Q. During what months?—A. May, June, July, and August.

Q. How many is the most that you have seen at one time?—A. Perhaps six.

Q. When was this?—A. It was in any of those months. This is something about which I cannot speak particularly, because I did not suppose that I would be asked about it.

Q. Yes; but you say that 75 American vessels pursue the halibut fishery off your coast, and that forty of them, from 25 to 60 tons burthen make from five to ten trips a year?—A. This is what I suppose to be the case to the best of my judgment. That is what I have seen. Of course I do not take much notice of those vessels.

Q. Can you tell me when you saw the six you last mentioned?—A. I have seen more than six.

Q. Together?—A. No; but around the coast.

Q. Have you ever seen more than three together at one time?—A. In one place? I do not think so.

Q. Have you ever seen more than three on the same day?—A. Yes.

Q. When?—A. I could not name the day exactly.

Q. Was it this summer?—A. Yes.

Q. Do you know where the seventy-five vessels you spoke of get their bait?—A. From our fishing traps and nets.

Q. Did you ever furnish any of them with bait?—A. Yes.

Q. When?—A. Between the 15th of May and the 1st of July, and all through the fishing season.

Q. Have you done so this year?—A. Yes; and every year.

Q. To how many different vessels have you sold bait?—A. I have sold bait since I have owned a trap to over 40 vessels, say 40.

Q. Different vessels?—A. Yes.

Q. Were they halibut-fishing vessels?—A. I do not know whether they were halibut or cod catchers.

Q. Have you sold bait to forty vessels this year?—A. Yes; but they were not all American.

Q. How many of these vessels were American this year?—A. About twenty, I think.

Q. Have you got the names of the captains on your books?—A. I have, but I haven't the books with me.

Q. Have you the names of the captains and of the vessel, then?—A. Of some I have, and some I have not. If a man buys for cash, I do not look out for his name, or the name of his vessel.

Q. What proportion of them are on your books?—A. I think about six.

Q. What did you sell them?—A. Bait, mackerel.

Q. How much did you sell them?—A. From ten to twenty barrels each.

Q. Do you not know whether they did not form part of the seventy-five halibut catchers fishing off your coast?—A. A portion of them were halibut catchers.

Q. How many?—A. I'm sure that I could not tell.

Q. You put the entire number of halibut catchers at seventy-five, and

forty, you say, fish inshore, and the rest more than three miles out; is that correct?—A. I did not say that.

Q. How many of them fish outside of the three-mile limit?—A. I do not think that any of them do so.

Q. Then you think that the 75 fish inshore. Repeat the number of American halibut-catchers which fish off Shelburne County, and state what proportion of them fish within three miles of the coast, and what proportion more than three miles out?—A. I said that there were about 40 sail of vessels there.

Q. That is about 40 vessels which fish inside the three-mile limit, and 75 around the county of Shelburne, off shore. Is the 75 a number in addition to the 40, or is the whole number of these American vessels 75?—A. The whole number is 75.

Q. How many American halibut-catchers are there, and where do they fish?—A. We will do away with the halibut fishing, and say that there are about 75 sail of American vessels which fish off the coast there.

Q. You do not mean to say that all these 75 vessels are halibut-catchers?—A. No.

Q. Do you estimate that the number of American halibut-catchers there is 40?—A. Yes; that is the number, in my judgment.

Q. Do you say that all the American halibut-fishers fish inshore?—A. No.

Q. What number of the American fishing-vessels fish inshore?—A. I am not prepared to say. I could not give an idea.

Q. Do you think that one quarter of the 40 fish inshore?—A. Yes; and more than that.

Q. Do you think that one-half of the 40 do so?—A. Perhaps they do.

Q. Is this a fair estimate, or a high one; do you estimate the number of American halibut-catchers that fish inshore at 20, or more, or less?—A. I estimate the number at 20, and they repeat their voyages.

Q. That is your best estimate?—A. Yes.

Q. Is it a high estimate?—A. It is not too high.

Q. And of these 20 which fish from 1 to 2½ miles off shore, you cannot give the name of one, or the name of one of their captains?—A. No.

Q. Then how do you happen to know that they make from 5 to 10 trips, and an average of 7 trips a season?—A. We can form an idea as to the number of trips which they make.

Q. How do you judge as to the number of trips at the distance which you are from them?—A. We calculate that a halibut fisherman has got to make a trip in a fortnight, as he cannot keep the fish longer, to be good for the market, in ice.

Q. But how long can he keep them in a well?—A. The time I mention would then be long enough.

Q. Do not these 20 vessels get their bait from your people?—A. Yes.

Q. Where do they procure it?—A. They obtain it from us.

Q. Do not they get more than one-half of it from you personally?—A. O, no.

Q. Who there does as much business in bait as yourself?—A. There are a great many traps—20—and each supplies bait, though some do so more than others. I am not so conveniently situated for the purpose as some others are.

Q. You are satisfied that these 20 vessels get bait in your vicinity?—A. Yes.

Q. And for how many years have they been resorting there for it?—A. I have only been in the fishing business four years.

Q. And they have come there for that purpose ever since you have been in the fishing business?—A. Yes.

Q. And yet, though the captains of these 20 vessels come in once a fortnight to get bait, you cannot give the place where one of them comes from, with a single exception, or the name of one of the captains?—A. No; I do not know much about them with reference to their names, qualities, and qualifications.

Q. You stated that the best halibut fishing-grounds were found in 200 fathoms of water?—A. I said that this fishery could be prosecuted in water varying from 25 to 200 fathoms in depth.

Q. But what did you say was the best depth for the purpose?—A. The best depth at present, during certain seasons of the year, would be 200 fathoms.

Q. What seasons of the year is this the case?—A. Early in the spring, before the bait comes on the shore.

Q. In what month?—A. We will say March.

Q. What is the best depth for halibut-fishing in April?—A. I could not tell you exactly.

Q. What is the case in May?—A. It is then inshore.

Q. How near it?—A. Within half a mile of it, if you like.

Q. In what depth of water?—A. Perhaps from 25 to 30 fathoms.

Q. How long is this the case?—A. Halibut fishing is done on the 1st of July.

Q. Is it over then?—A. They fish for halibut after that, but the fishery is not then so good as it is when the mackerel are on the shore.

Q. Do I understand you to imply that, from May to July, these twenty vessels will be found off your shore?—A. A portion of them will, no doubt.

Q. And from May to July, in twenty fathoms of water, from half a mile to two miles from the coast, there is good halibut-fishing off Shelburne?—A. Yes—around Cape Sable.

Q. Do your own people fish for halibut?—A. No.

Q. Why not?—A. We have no market for them.

Q. But they catch these fish in their own boats, in twenty-five fathoms of water?—A. Yes; they do so for their own consumption, but we have no market that will warrant fitting out for the halibut fishery.

Q. How many halibut do your own people catch?—A. I do not know.

Q. Can you tell anything about it?—A. No.

Q. Are there any of your boats which make a practice of fishing for halibut?—A. No; but the cod-fishing boats get two or three some days.

Q. Accidentally?—A. Yes.

Q. You say that you have no market for halibut; but could you not sell them to the twenty American vessels which lie off your coast for a couple of months, and come in every few days for bait?—A. It would not pay to fit out for halibut fishing.

Q. Has there ever been any halibut-fishing done by your people as a business?—A. No.

Q. Now, since you yourself have been in the cod-fishing business and are interested in it, will you tell us what bait you send to the Banks?—A. We send mackerel.

Q. In ice?—A. Yes.

Q. Do your vessels come back and bait at your place?—A. Yes.

Q. Do all of them do so?—A. No. They go ashore at any port where bait can be conveniently obtained—at Canso and Cape North, and in Newfoundland.

Q. Do they use bait other than mackerel?—A. Yes; herring, squid, &c.

Q. Where do they get it?—A. I am sure that is a hard question to answer.

Q. Do you not know?—A. They have procured squid this year on the Bank itself. Our vessels have also obtained squid on the Newfoundland coast, at Cape North, C. B., and in Cape North Bay.

Q. What else do they use on the Banks besides the bait which they carry there and squid? Do they not use the insides of codfish?—A. No; not for trawling.

Q. Have you ever used any salt bait on your own vessels?—A. No.

Q. But you do not personally know as to that?—A. As a substitute they sometimes take a few salt clams, but this does not amount to anything.

Q. You assented to Mr. Thomson's statement, that a man who should refuse to let an American vessel buy bait would not be thought much of, whether he sold it at a loss or a gain?—A. It is never a rule among fishermen to refuse a fisherman bait.

Q. Are there places in Shelburne County where bait is sold as a business to Americans?—A. No.

Q. Have you no people who advertise such sale?—A. No.

Q. Do not the owners of any of your traps advertise the sale of bait?—A. No. I believe, however, that Wrayton, who keeps an ice-house at Barrington, advertises the sale of ice, and bait furnished by traps, but that has nothing to do with our traps.

Q. That is, he keeps ice, and takes the risk of being able to get bait?—A. Yes.

Q. It is your practice then to sell bait to a brother fisherman, of whatever nationality he may be, even though you do so to your own disadvantage?—A. Well, yes—as a general rule.

By Mr. Thomson:

Q. You say that these American vessels fish inshore; about how many of them are fishing around the coast of Shelburne County outside of the three-mile limit altogether?—A. I think about 75 sail.

Q. And all the other vessels you speak of fish inshore?—A. Yes.

Q. When you spoke of 20 vessels, did you mean that they fished close in around your coast?—A. About Cape Sable—yes; I do not know as to the whole county of Shelburne. I believe that the American vessels fish all round there. As to the names of the masters of these vessels, &c., I know nothing about them.

Q. And around Cape Sable during the fishing season, there are at least twenty American vessels?—A. Yes.

Q. And as to the whole coast of Shelburne County, you cannot say what number of American vessels fish inside the three-mile limit?—A. No.

Q. But a number of them do there fish inside of three miles from the shore?—A. Yes.

Q. What do the traps cost?—A. \$1,500.

Q. Have you ever tried to find whether there is a market for halibut in Nova Scotia?—A. This is a business I was never in; and I do not suppose we have a market that would pay in connection with the prosecution of the halibut fishery.

Q. But suppose that you sent them to the States, and fresh fish can enter that market, without regard to this treaty—what is to prevent your doing that?—A. We could hardly go to Boston and retail halibut.

Q. Do you mean to say that the Americans wait there and retail their fish?—A. Of course.

Q. Do they not sell out their whole cargo to fish dealers?—A. They may do so.

Q. Did you ever hear of such a thing as of a vessel going over with a full fare of fresh halibut, and waiting in the port, in order to sell it by retail?—A. No. They sell the fish at wholesale prices.

Q. Why could you not do the same thing? In fact, you know nothing about the matter?—A. No. We never got into that mode of fishing.

By Mr. Foster:

Q. Did you say that you were one-quarter of a mile from the vessel when you spoke to the captain and asked how he was doing?—A. We spoke to men who were in a boat taking up trawls.

Q. How near to them were you?—A. We were within fifty yards of them.

Q. How many men were in the boat?—A. Two.

Q. Do you know Michael Wrayton, of Barrington?—A. Yes.

Q. He lives pretty near you?—A. Yes—some 3 or 4 miles off.

Q. Is he engaged in fishing business?—A. No.

Q. What does he do?—A. He keeps an ice-house, and farms.

Q. Does he know anything about fishing? I notice that Mr. Thompson put him this question:

Q. They catch halibut and cod?—A. Yes. Fresh-halibut fishers, I mean.

Q. That is chiefly a deep-sea fishery, is it not?—A. Yes.

What do you call a deep-sea fishery?—A. Anything outside of the harbors.

Q. However near the shore?—A. Yes.

#### No. 76.

B. H. RUGGLES, of Brier Island, in the county of Digby, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Weatherbe:

Question. You reside at Brier Island, Digby?—Answer. Yes.

Q. At Westport?—A. Westport is the township, and comprises Brier Island and Long Island.

Q. It is at the mouth of the Bay of Fundy?—A. Yes.

Q. How long have you resided there?—A. Since 1832. It will be 45 years.

Q. You are a justice of the peace for the county and collector of customs?—A. Yes.

Q. Are you acquainted with the fisheries in the two islands, Briar Island and Long Island?—A. From observation I am. I never followed the business.

Q. During all that time you have been acquainted?—A. Yes.

Q. The residents of the two islands, I believe, are almost wholly devoted to the fisheries?—A. They are.

Q. There is very little farming?—A. Very little. There is some. A few persons raise their own vegetables, their potatoes.

Q. Are you acquainted with the extent of the fisheries on the two islands; I mean the exports of fish?—A. Yes, to a certain extent. I do not know that I could give you exactly.

Q. About how much does it amount to ?—A. Probably some \$150,000 or \$200,000.

Q. Those are the two islands alone ?—A. Yes. That is including the fishing district, Tiverton, Petit Passage, and Grand Passage.

Q. What kind of fish are caught there ?—A. Codfish, haddock, hake, pollock, halibut, herring, and some mackerel, when they strike our shores.

Q. Is it an inshore fishery ?—A. With the large proportion of the inhabitants it is an inshore fishery in small boats.

Q. Do you know where Cape Split is ?—A. Yes.

Q. Now, does this fishery extend up the north coast of the island and off Digby Neck as far as Cape Split ?—A. Yes. It is quite an extensive fishery up at the Isle of Haute, and that is well up to Cape Split.

Q. From Cape Split it extends all the way to your island. Around the shores of the bay, are there fisheries there ?—A. Yes.

Q. Around on both sides of the bay ?—A. That is, Digby Neck side and Clare.

Q. And down the coast as far as Yarmouth ?—A. Perhaps, on the south side of St. Mary's Bay, on the French shore or township of Clare, it is not so extensive.

Q. It is not so extensively carried on, but is the fish as good ?—A. I could hardly say it was as good on the south side, but still there are a number that prosecute the fisheries there. It is increasing annually. The inhabitants are turning their attention more to the fishery business.

Q. About how many miles from Cape Split is Yarmouth along the coast; that is, the inshore fishery of which you speak, where this fish is caught ?—A. If I had a map I could probably measure it off. I should think it was 250 or 300 miles.

Q. Are you acquainted with the amount of the exports of any other places than these two islands of which you have spoken ?—A. No; I could not give the figures of them.

Q. What is the width of the bay across Petit Passage to Clare; that is, above the islands ?—A. Probably it is in the neighborhood of 6 or 7 miles.

Q. Do you know whether it is over six ?—A. I do not know. I should think something like six miles.

Q. The people of the two islands live altogether by fishing ?—A. Yes, altogether, I might say.

Q. With regard to the other parts of the coast, do they carry on any farming at all ?—A. I think about Sandy Cove, that is, about the center of Digby Neck, there are some few that do a little farming. About Digby Neck, again, there are some, and through Clare.

Q. Except those three places, they carry on fishing nearly altogether ?—A. I think so.

Q. With regard to those two islands, beside your own people, what other fisheries are carried on; who else fish there ?—A. The American fishermen.

Q. Are the fisheries confined entirely to your own inhabitants and the Americans ?—A. I know of none others.

Q. What kind of fisheries do they carry on there ?—A. The Americans ? The same as the inhabitants.

Q. They catch the same fish that you catch ?—A. Yes. Sometimes the Americans fit out exclusively for halibut in the spring of the year. There would be a few vessels across from Portland and Gloucester for fresh halibut.

Q. That is exclusively for halibut?—A. Yes; I may say exclusively so; they fit out exclusively for it, but in setting their nets they will sometimes take cod.

Q. Besides that they carry on the same fisheries with your own people?—A. Yes.

Q. Now is that the inshore fishery?—A. That which I last speak of is the inshore fishery.

Q. I am speaking of the Americans who fish the same as your own people do. Besides that there are a number of large vessels that come for bait and ice?—A. Yes; we have not very many at Westport for bait and ice? The heft is taken, I think, at Grand Manan; but still there is a large number of vessels that come to our place. Up in St. Mary's Bay they go into Sandy Cove, where the herring strike in rather earlier than with us.

Q. What sort are the small vessels that the Americans fish inshore with?—A. Perhaps 9 or 10 tons.

Q. They are a smaller class of vessels altogether?—A. An entirely different class of vessels. They come in and come to anchor in the harbor, and go out in their small boats generally.

Q. They bring vessels, but they usually fish in small boats, the same as your own people?—A. Yes.

Q. Now take your own place, within your township, what proportion of the fish do you suppose are caught by the Americans; the inshore fishermen I am speaking of, altogether? You say that \$100,000 or \$200,000 is the amount exported from these two islands. What proportion would you suppose would be fish caught by the Americans?—A. Well, it would be only an ideal thing I would have to give you.

Q. I want you to give us a fair estimate, to the best of your judgment?—A. Perhaps, to take the whole thing, the Americans, large and small, that fish what we call the inshore fishery, I would say it is something like a quarter or a third.

Q. That is a quarter or a third of the quantity you export?—A. Yes.

Q. We had an estimate given the other day by the inspector of fisheries, from statistics which he made himself, giving 200,000 for these islands?—A. Yes; he could give you a better idea. He took quite a considerable pains in obtaining this information last season. I should think something like a quarter or a third was caught by the Americans.

Q. Are you able to give an estimate of any other parts outside of those islands?—A. No.

Q. Where is the halibut fishery carried on; how far from shore?—A. Well, in St. Mary's Bay, it is carried on from half a mile to two miles off shore.

Q. Then it is an inshore fishery?—A. Yes; that is off Cape St. Mary's in the spring. The halibut strike there first.

Q. I believe your fisheries there are somewhat different from what they are on the other side of the province. I don't think we have had much evidence of those American vessels, small vessels, coming in as they do at St. Mary's?—A. I don't think they fish across Grand Manan.

Q. I am speaking of the other side of the province, the Atlantic coast?—A. I don't think they frequent that part at all. It is an exposed shore.

Q. Where do your people sell the large amount of fish they catch there?—A. We have different markets for them; wherever we can get most for them.

Q. Where generally ?—A. Last season Halifax afforded the best market.

Q. Do you sell any at Yarmouth ?—A. Yes; and at St. John's. Occasionally we send a cargo to the United States, of pollack, &c.

Q. Why not send all there ?—A. Well, we act there upon the same principle as elsewhere. We send them where we can get most for them.

Q. Now, take the time of the Reciprocity Treaty; how did prices then compare with prices afterward under the duty; were the prices higher or lower ?—A. During the Reciprocity Treaty we had, perhaps, more trade than ever since; but after '64 the fish were commanding a higher price. I think it was generally admitted that we received more, even paying the duty, than we did under reciprocity.

Q. Then since the Washington Treaty are the prices as high ? Take the average.—A. They haven't been until this present time. Just now the prices are pretty well up in the United States.

Q. But the average price ?—A. It has been higher at Yarmouth, Halifax, and St. John.

Q. Then, previous to the time of the duty, do you say the prices were more or less ?—A. I am not sure I understand you rightly. It was generally considered that we got as much or a little more for fish during the time of the duty than since.

Q. You often see those American fishermen, and have for years ?—A. Yes.

Q. Why do they come to your shores to catch fish ? Why don't they fish their own shores ?—A. Well, they say they have not any fish on their own shores to catch.

Q. How long have they been coming from the first ?—A. I cannot tell you from the first. They were there when I first went to Westport.

Q. Is this fishery on the increase; this that the American fishermen carry on there ?—A. I cannot say it is on the increase in the Bay of Fundy; but there is an increase in this way, that the Americans come in for bait and ice.

Q. I am speaking altogether of your own place. Is the American fishery there on the increase ?—A. I cannot say that it is.

Q. There is an increase of the icing and baiting ?—A. There is an increase of the small class of boats we were speaking of in the first instance.

Q. That is the very thing I was asking you.—A. Well, there is an increase of that.

A. The Americans have no boat-fishing except those little schooners; you call them boats ?—A. They generally call them boats.

Q. Well, there is an increase of that fishing ?—A. Yes.

Q. And they told you that they have no fishing on their own coast ?—A. Yes.

Q. I would like to ask you, seeing that your people are entirely devoted to the fisheries, do you know of any destitution among them at that place ?—A. I never have heard of any in the county of Digby.

Q. I am speaking of those islands ?—A. I have frequently heard the Americans speak of destitution on the coast of Maine, regretting that they had not the privilege of coming over and living as we did.

Q. Are there not a good many poor villages on your coast ?—A. No. At Westport we do not pay one cent for poor-tax.

Q. Don't you contribute to the whole county ?—A. No.

Q. The county is divided into districts, and each district takes care of its own poor ?—A. Yes.

Q. Does it not cost a great deal to take care of those who are poor and destitute?—A. No.

Q. You say you do not pay a cent?—A. No.

Q. Then you have no poor-rate at all?—A. No.

Q. And the only destitution you have heard of is the destitution of the fishermen on the coast of Maine?—A. Well, I have frequently had conversations with skippers, speaking of the privilege we enjoyed and regretting that they could not do as we did. They say they have to fish summer and winter, and scarcely drag out an existence, and I should suppose it was so, from the appearance of some of them; whereas our fishermen only fish five months in the year and live comfortably.

Q. It is a very short run across there from the State of Maine?—A. Yes; a few hours; probably six or eight. Sometimes they come from Mount Desert, which would be ten or twelve hours.

Q. Taking the season through, about how many of those little fishing boats run across there? I mean to your own ports there.—A. I remember last season, I think it was, I was up at Tiverton and Petite Passage, and I think they told me there were thirty of their boats there at that time.

Q. The average is about how many tons?—A. They would probably average from seven to ten tons. Some would be large open boats that would not be registered at all.

Q. How often do they cure their fish; do they salt it, or carry it home fresh?—A. I think they generally salt their fish on board. I am not prepared to make a statement of it.

Q. Have you ever heard any complaints from our own fishermen on the coast with regard to gurry?—A. Yes; that has been a source of complaint, throwing the garbage of fish overboard; also the trawl fishing. The Americans introduced the trawling process, and are thus destroying the inshore fishery altogether.

Q. Do your people complain of that?—A. Yes; but they have to adopt it themselves in self-defense.

Q. They have to take up the same kind of fishing as others?—A. Yes. The American captains all admit that it is ruining the fishing grounds, that it has destroyed the fishing grounds on the American coast, and now it is going to destroy them in Nova Scotia. There is no trouble about it. If the process is kept on we will not have inshore fisheries ten years hence.

Q. You spoke of two vessels, schooners, devoted to halibut fishing; what size were they?—A. I spoke of two. No, there were several in different years.

Q. What size would they be?—A. They would be vessels ranging according to the registry act of the United States, which is something the same as that of the Dominion, from 40 to 70 tons.

Q. There are several of those devoted exclusively to halibut?—A. Yes.

Q. Then with regard to those other fishermen, do they take other fish?—A. Yes; anything they can.

Q. But these are fitted out exclusively for halibut?—A. Yes.

Q. Do they take the fish home fresh?—A. Yes; they ice them.

Q. Have they not wells also?—A. I never knew of it but in one vessel.

Q. Where do they get their ice?—A. They generally fetch a small supply from home.

Q. Now, with regard to other vessels. You spoke of large vessels coming in for bait and ice; that is for codfish?—A. Yes.

Q. Do you know where they get their bait?—A. Well, I have it only from hearsay that they bait on Grand Manan and Campobello, a great many of them. Then again in Sandy Cove on our side they get some, and many of them come up to Digby.

Q. Sandy Cove is on St. Mary's Bay?—A. Yes.

Q. They go up to Digby Gut some of them and bait up there?—A. Yes.

Q. Now, do you know of their carrying herring nets, those vessels?—A. Yes.

Q. Why do they carry those nets?—A. Sometimes they set the nets themselves, and the inhabitants I have been informed take nets and set for them.

Q. To catch bait?—A. Yes.

Q. That is bait for codfish?—A. Yea.

Q. Did these vessels pay light-duties?—A. They were paying the same light-money previous to confederation as our own vessels.

Q. Now can you give us an idea how many of these vessels were ever boarded?—A. The greatest number I ever boarded in one day was 22.

Q. How many would come in in the course of the season?—A. Probably some 30 or 40. A great many pass through the Passage and go right into St. Mary's Bay up to Sandy Cove. Many would pass through in the night when I would have no knowledge of them.

Q. How many mackerel vessels have you seen fishing at one time, in St. Mary's Bay?—A. I never saw many.

Q. How many is the largest you ever saw?—A. I have heard of as many as 180 at one time. I think some four or five years ago.

Q. One hundred and eighty American fishermen fishing in your bay?—A. Yes. There might be others. They were scattered all through the bay from Cape St. Mary's to within four or five miles of the head of the bay.

Q. Now, you have given us an idea of the extent of the fisheries down on these islands. In Digby Gut and thereabouts I am told that the fishing is better than any other places?—A. There are good fisheries about Digby Gut.

Q. You don't like to admit there is any place like home?—A. Well, generally the fishermen find out where the best fishing grounds are. I believe about Digby Gut they are as good as anywhere in the Bay of Fundy.

Q. Do you know how many vessels resort to any other places; that is, of those American boats?—A. No; I could not speak of other places.

Q. I am told that some of those that come to your place haul up or anchor, and fish in their boats altogether?—A. Yes. Not so many in Westport, but at Petite Passage.

Q. I am speaking of the islands and the passage between.—A. They anchor and take small skiff-boats or wherries, as they call them, and they go out to fish and set trawls.

Q. Where do they live?—A. On board their boats.

Q. Do they keep them hauled up at anchor?—A. They are at anchor during the fishing season.

By Mr. Daua:

Q. You say that Halifax, Yarmouth, and St. John furnish better markets now, or have for some years past, than the United States?—A. They have for some years past until the present season.

Q. For how many years past do you think that has been the case?—A. I could not say exactly, but the last four or five years in particular.

Q. You speak of fresh fish?—A. I speak of salt fish.

Q. You mean cured?—A. Yes.

Q. Well, then, you have sent your salt and cured fish to your own ports in preference to sending them to the United States?—A. We sent some to the United States.

Q. But in preference the greater quantity go to your own ports?—A. Yes.

Q. You are governed by market considerations altogether?—A. Yes.

Q. And on the whole a better price is got here than in the United States?—A. Yes. Our pollack mostly go to the United States, and some of the large codfish.

Q. The best usually?—A. The best quality.

Q. Why do you suppose the market is better in Halifax, St. John, and Yarmouth, than in the United States? What do you suppose is the reason?—A. I suppose we export more to the West Indies from these ports. All our West India fish goes to Yarmouth and Halifax, or Lunenburg.

Q. There is not enough fish brought into these ports of Nova Scotia to supply the demand abroad which they undertake to supply, and also their own consumption?—A. I would not like to give an opinion about that. I have too limited an idea.

Q. When you send them into your own ports you pay no duty?—A. No. Of course not in the Dominion.

Q. And you paid no duty in the States for some years?—A. During reciprocity we paid no duty.

Q. And since 1871?—A. No.

Q. Then you speak of the time when there was no duty, when you say that the market was better in Halifax, St. John, and Yarmouth?—A. At the time there was a duty after reciprocity, the fishermen considered that they got fully as well compensated.

Q. That was not the question. My question was this: After the Washington Treaty was adopted there was no duty on your fish going into the United States market—that is, for the last five years, we will say. During that time you found the markets of your own country bringing better prices than the markets in the United States?—A. For certain descriptions. With our West India fish and pickled fish we do better in the ports of the Dominion.

Q. What do you mean by West India fish?—A. Codfish, haddock, and hake.

Q. They are dried?—A. Yes.

Q. You do not undertake to send them in any large quantities to the ports of the United States?—A. We have sent several cargoes.

Q. Perhaps you would like to change what you said, and say that you sent more to the United States than you did to Halifax?—A. No; I do not think it. I said the heft of our fish were sent to Halifax, Yarmouth, and Lunenburg.

Q. You gave as a reason that the markets were higher?—A. Yes; and I can tell you an instance of a cargo of haddock sold this season at Portland, after which the vessel returned and loaded up for Lunenburg, where he found that this fish had been reshipped, and they met him in Lunenburg.

Q. Then, fish is rather a drug in the United States market?—A. I am not posted. I do not know as to the United States market.

Q. You still think your reason for not sending them there is the smaller price you would get?—A. Yes; that is a very natural reason.

## No. 77.

JOSIAH HOPKINS, of Barrington, in the county of Shelburne, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. You live at Barrington, in the county of Shelburne?—Answer. Yes.

Q. What business do you prosecute?—A. I am engaged in supplying fishermen with general outfits.

Q. Were you engaged fishing a number of years?—A. Yes, two years; in 1853 and 1854. After that I went to sea, up to 1858.

Q. Then did you carry your fish to the United States?—A. Yes.

Q. You recollect when the Reciprocity Treaty was abolished?—A. Yes.

Q. Do you recollect taking fish to the American market then?—A. I have been there every year, right along, both before and after.

Q. Well, did you realize as much after the Reciprocity Treaty was abolished as before?—A. Well, of course the markets varied in different years, but I don't know that the abolition of the treaty made any difference.

Q. Did you, before this Treaty of Washington came into force, make as much money as since?—A. Yes, as much, and did better, I think. I think, as a rule, the prices have ruled lower since.

Q. Then the treaty has not benefited you much?—A. Not as far as prices are concerned, I don't think.

Q. What duty had you before this treaty upon salt fish?—A. A half cent a pound in gold. On mackerel I think it was \$2 a barrel, and on halibut I think \$1 a barrel; on oil, 20 per cent.

Q. The prices you realized during the time the duty was exacted were just as remunerative as since?—A. I think they were; that is, the average. Of course, as I said before, they varied in different years. But I think there was as much money in the business then as there is now.

Q. Well, you have a practical acquaintance with the matter, and you think there was as much money in it before as since the Washington Treaty?—A. Yes.

Q. Is there much fish caught within the three-mile limit by your own people on your own coast?—A. Yes.

Q. How many boats are owned in Barrington alone?—A. I could not say, but I should suppose in Barrington Township there were 400 or 500.

Q. Well, take the whole county of Shelburne?—A. I should think 800 or 1,000.

Q. These prosecute the fisheries entirely within three miles?—A. From three to five miles.

Q. What do they take?—A. Codfish, haddock, pollock, herring, and mackerel.

Q. Halibut?—A. Some. I do not think any great quantity of halibut, as far as I know.

Q. The halibut, I think, is chiefly taken by the Americans with a trawl?—A. As far as I know.

Q. This boat-fishing is not carried on by trawls at all?—A. To some extent it is. More of late years than there used to be.

Q. What has led to that; is it not injurious?—A. It is and it is not.

It is remunerative for the present, but we think it is injurious in the end.

Q. You enjoy a present gain with the certainty of future loss; is that what you mean?—A. Yes.

Q. What has driven you into this trawl fishery?—A. Well, it has come to be adopted. The man who adopts it gets a little more fish than the one that does not, and so another and another does it.

Q. Who first started it, your people or the Americans?—A. Where?

Q. In that neighborhood?—A. Well, when we speak of our boat-fishing, our own people started it.

Q. Of course the Americans do not boat-fish there at all?—A. But there are a number of American schooners that come in and use these trawls. I have understood that from reliable authority. They come in from New London, I think, but I am not very well acquainted with that matter. Mr. Cunningham would know more than I do. I think the American people started the trawl-fishing, because up to the last 4 or 5 years we used to have a school of large codfish come on the coast late in the fall, and our boats used to take large quantities, but since the large fleet of Americans has come we do not get any at all. The impression was that these trawl-fishers caught up all the fish, and they did not come in.

Q. Do your people make any use of the American waters for fishing?—A. I only know one vessel this year. That is the first and only one I know.

Q. Where was she from?—A. Cape Negro. She was over there this spring mackerel fishing.

Q. Do you know whether she made out to catch anything?—A. I saw the captain to-day and he said he had done about nothing.

Q. Did this captain tell you where he fished?—A. Not to-day; but I have understood from other sources that he was down south where the American fishermen go. I think it is down about George's or Nantucket, and from that to Cape Cod.

By Mr. Foster:

Q. Was he for mackerel or cod?—A. For mackerel. Since that he has been in the North Bay.

By Mr. Thomson:

Q. How did he do there?—A. I understood not very well. I have reference to Captain Whitney of the schooner Harriet.

Q. Did the Americans come in for much bait in your neighborhood?—A. Yes, considerable.

Q. Can they carry on the outside cod fisheries without that bait?—A. Not so well, I think.

Q. Can they at all, in such a way as to make it pay?—A. Not to make it as lucrative as at present.

Q. Would it pay at all?—A. I could not answer that question.

Q. How often did they come in for bait?—A. I have known vessels this summer come in every week or every fortnight, depending upon the quantity they threw out at a time.

Q. Could they possibly have carried on a remunerative business if they had had to go once a week or once a fortnight to their own coast?—A. I don't think they could. The bait is the back-bone of the business.

Q. In fact they can't get along with salt bait now, can they?—A. No, not very well. The days for salt bait in cod and halibut fishing are

about past. Years ago they used to, but now they never do at all if they can avoid it.

Q. They can do nothing as against vessels with fresh bait?—A. Not to compete with them; I don't think so.

Q. How many vessels do you supply in the course of the year, or how many are you aware of coming in to be supplied?—A. I personally don't supply any at all. I could hardly tell, but there is one of those fish traps there, and every three days out of the week there is one, two, three, or four vessels there looking for bait. Sometimes they don't get any, but as a rule they do.

Q. Are you aware that halibut is taken inshore by boats as well as cod and pollock?—A. By our boats? Yes; it is taken inshore.

Q. I think you said you had heard of Americans coming in within three miles; but you did not know?—A. I do not know. Mr. Cunningham will know more than I do. It is a little aside from where my business takes me. I have understood they have been in a good deal around Saint John Island just west of where I am.

Q. That is within three miles?—A. Close in.

By Mr. Foster:

Q. I wonder if you can give the names of any New London halibut catchers?—A. No.

Q. Or the names of the captains?—A. No.

Q. Have you ever seen any of their vessels?—A. I have seen them at a distance. I never was aboard.

Q. How many of them have you seen?—A. I might see one three or four times, and would hardly know whether it was the same or not.

Q. Have you any idea whether three or thirty halibut catchers from New London have come up in your neighborhood?—A. From information, I should suppose a large fleet. They come in for bait.

Q. Do you understand that those vessels, many of them, fish inshore?—A. The information I have is not positive. I have heard of some.

Q. But it was spoken of as rather a surprising thing?—A. No; it was just stated as a fact that the American vessels did sometimes fish right in handy for halibut.

Q. Now, when you fished yourself, what did you fish for?—A. Codfish.

Q. From vessels?—A. From vessels on the Bank.

Q. That was in 1853 and 1854?—A. Yes.

Q. There was no such thing as using any bait except salt bait, and what was caught on the Banks at that time?—A. No; not that I was aware of.

Q. By the way, were you in an American vessel?—A. No; in a British vessel.

Q. Do you really mean to leave the impression that you consider it would be just as well for you, in the American market, with the old duties as it is without any duties?—A. That depends upon circumstances.

Q. Is it a matter of indifference whether a duty is imposed or not?—A. It comes just in this way: one year I pay a duty on my fish when I go over there, and the fish net me so much money. One or two years afterward I go and there is no duty, and the fish do not net me any more money.

Q. That is not the question. I asked you whether you really think you are as well off, in the American market, with the duty on as with it off?—A. Let me understand what is the question.

Q. You state what you believed the question to be. It is a very simple one.—A. I don't know what the effect of a duty would be at the present day.

Q. I am not asking you that. I asked you if it was a matter of indifference to you—if you don't care whether the duty is on or off!—A. I would prefer having them go in free.

Q. You think it would be more profitable!—A. I don't know about that. It might or it might not.

Q. Do you care much about it!—A. Not a great deal.

Q. What do you send there, mackerel!—A. No; pollock and codfish.

Q. Fresh!—A. Salt cod, large codfish; shore codfish chiefly.

Q. That is not a very large trade, is it!—A. Well, it is quite a little trade out of our place.

Q. How many dollars!—A. Codfish alone! Well, I should suppose from five to ten thousand dollars a year.

Q. And haddock!—A. No haddock.

Q. Nor hake!—A. No.

Q. What other fish!—A. Pollock.

Q. How much of that!—A. I suppose from 3,000 to 5,000 quintals from our place in the year. The price varies. They are only worth \$2.

Q. What duty was there on them!—A. A half cent a pound.

Q. How much mackerel go there from your place!—A. I am not prepared to say.

By Mr. Thomson:

Q. Mr. Foster asked you if it made any difference whether the duties were put on or not. Suppose the duty were put on and the Americans kept out of your waters, would that hurt you much!—A. No, I don't think it would.

Q. If they are kept out you are willing to pay the duty!—A. Yes; taking the present condition, and the condition of things before the treaty, I would just as lief go back to the old system.

Q. And when you say you would rather have no duty, it is just that it saves you the trouble of paying it out and collecting it from the purchaser afterwards!—A. It saves us the trouble.

Q. But if the Americans were kept out altogether you would be better off!—A. Yes.

By Mr. Foster:

Q. You really think, then, that you would get more!—A. Counting the years that are passed by we did as well when we paid the duty as now.

Q. They were more prosperous years, were they not! Everything had been suffering from depression for the past few years!—A. That may have had something to do with it.

No. 78.

TUESDAY, September 18.

The Conference met.

WILLIAM H. HARRINGTON, commission and fish merchant, residing at Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined:

By Mr. Davies:

Question. Have you been dealing in fish for many years!—Answer. Since 1863.

Q. Your dealings consisted in the purchase and sale of fish, I suppose?—A. Yes,

Q. You purchased fish in Halifax?—A. Yes.

Q. And sell it where?—A. In the United States.

Q. I asked you to make up for the Commission a statement from your books, of the sales made by you from 1863 to the present time; have you made up that statement?—A. Yes.

Q. Have you it with you?—A. Yes. [Statement produced.]

Q. What does it show?—A. The prices obtained during the winters of 1863-'64 to 1876-'77.

Q. During what months is your trade principally carried on?—A. During December, January, and February.

Q. And you have sales off and on during other periods of the year?—A. During the spring months we have sales of fish which come up in early spring; it is an insignificant quantity.

Q. The statement you submit practically comprises your business?—A. Yes.

Q. In the winter of 1863-'64 what was the average price obtained for mackerel?—A. For No. 1 \$11.75 in December, \$12 in January, \$14 in February; average of three months \$12.58.

Q. Give your prices of No. 1 mackerel during the next years?—A. 1864-'65, December nil; January \$9.50; February \$12; average for three months \$10.75. 1865-'66, December nil; January nil; February \$15. 1866-'67, December \$9.25; January \$10; February nil. 1867-'68, December \$9.25; January \$9.50; February \$9. 1868-'69, December nil; January \$16.87; February \$18. 1869-'70, December \$18; January nil; February \$19. 1870-'71, December \$18.12; January nil; February \$18. 1871-'72, December nil; January \$10.75; February nil. 1872-'73, December \$9.50; January nil; February \$9.50. 1873-'74, December \$13; January \$13; February nil. 1874-'75, December nil; January nil; February nil; March \$10. 1875-'76, December nil; January \$14; February nil. 1876-'77, December \$12; January \$12; February nil.

Q. You purchased the fish in the Halifax market and shipped them to Boston?—A. Yes.

Q. Did you purchase them on commission?—A. Yes.

Q. For American houses?—A. Yes.

Q. And those are the prices you paid here?—A. Those are the prices we paid here.

Q. You received orders from the States from time to time to buy?—A. Yes.

Q. Did you pay a fair market price for them?—A. We paid the ordinary market price at the time.

Q. According to your statement, what would be the average price paid by you for No. 1 mackerel from 1863 to 1866, inclusive?—A. \$12.78.

Q. From 1867 to 1873, inclusive?—A. \$13.30.

Q. From 1874 to 1877?—A. \$12.25.

(Statement prepared by witness put in and filed, and is as follows:)

*Prices obtained during winters of 1863-'64 to 1876-'77, for No. 1, 2, and 3 mackerel, sold to United States buyers, delivered f. o. b. at Halifax, in gold.*

[Extracted from books of Messrs. Lawson, Harrington & Co.]

Year.	December.	January.	February.	March.	Average.
1863-'64—No. 1.....	\$11 75	\$12 00	\$14 00	.....	\$12 58
No. 2.....	6 50	7 00	7 25	.....	6 92
No. 3.....	5 75	.....	.....	.....	5 75
1864-'65—No. 1.....	.....	9 50	12 00	.....	10 75
No. 2.....	5 75	5 53	6 75	.....	6 04
No. 3.....	5 37	.....	6 00	.....	5 88
1865-'66—No. 1.....	.....	.....	15 00	.....	15 00
No. 2.....	.....	.....	11 00	.....	11 00
No. 3.....	.....	.....	8 75	.....	8 75
1866-'67—No. 1.....	9 25	10 00	.....	.....	9 68
No. 2.....	8 25	8 50	.....	.....	8 38
No. 3.....	7 25	7 50	.....	.....	7 38
1867-'68—No. 1.....	9 25	9 50	9 00	.....	9 25
No. 2.....	8 00	8 50	7 75	.....	8 00
No. 3.....	6 25	6 50	7 00	.....	6 75
1868-'69—No. 1.....	.....	16 87	18 00	.....	17 43
No. 2.....	.....	14 75	17 00	.....	15 87
No. 3.....	.....	.....	8 25	.....	8 25
1869-'70—No. 1.....	18 00	.....	19 00	.....	18 50
No. 2.....	12 00	.....	13 50	.....	12 75
No. 3.....	8 00	.....	8 50	.....	8 25
1870-'71—No. 1.....	18 12	.....	18 00	.....	18 06
No. 2.....	10 50	.....	12 00	.....	11 25
No. 3.....	8 00	7 12	7 00	.....	7 37
1871-'72—No. 1.....	.....	10 75	.....	.....	10 75
No. 2.....	.....	6 25	.....	.....	6 25
No. 3.....	.....	3 50	.....	.....	3 50
1872-'73—No. 1.....	9 50	.....	9 50	.....	9 50
No. 2.....	.....	6 37	6 10	.....	6 23
No. 3.....	4 35	5 25	5 75	.....	5 12
1873-'74—No. 1.....	13 00	13 00	.....	.....	13 00
No. 2.....	9 00	10 50	.....	.....	9 75
No. 3.....	8 50	.....	.....	.....	8 50
1874-'75—No. 1.....	.....	.....	.....	\$10 00	10 00
No. 2.....	.....	.....	.....	6 62	6 62
No. 3.....	.....	.....	.....	5 62	5 62
1875-'76—No. 1.....	.....	14 00	.....	.....	14 00
No. 2.....	.....	.....	.....	.....	.....
No. 3.....	7 75	9 00	.....	.....	8 37
1876-'77—No. 1.....	12 00	12 00	.....	.....	12 00
No. 2.....	.....	9 50	.....	.....	9 50
No. 3.....	7 25	7 50	.....	.....	7 37

#### GENERAL AVERAGES.

	No. 1.	No. 2.	No. 3.
1863 to 1866.....	\$12 28	\$7 98	\$6 73
1867 to 1873.....	13 30	9 83	6 63
1874 to 1877.....	12 25	8 62	7 46

By Mr. Dana:

Q. I suppose Nos. 1 and 2 mackerel would keep at about the same proportionate rate as compared with No. 1 during the whole period you have named?—A. Yes.

Q. What is the reason of the increased price in 1870 and 1871. In 1870 it was \$18.50, and in 1871, \$18?—A. I presume mackerel was scarce during those years.

Q. Scarce in your market here?—A. Yes, one cause would be that.

Q. You buy on order?—A. Yes.

Q. Are you usually limited in price?—A. Usually.

Q. Of course the houses in Boston are well informed of the rates in your market?—A. Yes.

Q. You have nothing to do with the price the fish bring in Boston?—  
A. No.

Q. Does the statement show the amount of your business or only the prices paid for mackerel?—A. Only the prices paid.

Q. Can you tell me from recollection how the amount of your business for the last five years compared with that for the preceding five years?—A. As far as our business is concerned it was much less during the last five years.

Q. Was that from local or special causes, or was it so with all the merchants here who fill orders for the United States?—A. I think it has been pretty general.

Q. The fish you send are salted?—A. They are cured, salted mackerel.

Q. You think that during the last five years the mackerel trade of the merchants in this port has been considerably less than during the five preceding years; to what do you attribute it; has there not been as much in the market, or has there been a less demand, or what is the cause?—A. There has certainly been a less demand.

Q. The supply does not sensibly depend on the demand. About the same number of vessels go out, and they cannot know what the price will be. If the demand is great the price will rise, and if the demand is small the prices will fall?—A. Yes.

Q. The prices cannot be known beforehand?—A. They cannot be known beforehand.

Q. There has not been as much demand for mackerel from the United States for the last five years as formerly?—A. Not so great.

Q. To what do you attribute that?—A. I cannot say what is the cause.

Q. There must be an abundant supply at home, I suppose?—A. I should say so, unless the people are using other articles of food.

Q. They are either substituting something else, or have an abundant supply?—A. I could hardly say what the cause is; no doubt a variety of causes.

#### No. 79.

JOHN PURNEY, fisherman and fish merchant, residing at Sandy Point, Shelburne County, Nova Scotia, called on behalf of the Government of Her Britannic Majesty, sworn and examined—

By Mr. Thomson:

Q. How long have you been engaged in the fish business?—A. About 13 years.

Q. Did you ever fish in any vessel?—A. Yes.

Q. Have you commanded a vessel?—A. Yes. I went two years as a hand, and afterwards always as master.

Q. Did you fish at any time in the Gulf of St. Lawrence?—A. I fished 25 years, during which time I fished there.

Q. How many years did you fish in the gulf?—A. I could not tell you exactly; four or five years.

Q. Did you fish there for mackerel?—A. No; for cod.

Q. You did not fish for mackerel?—A. No more than for them as bait for cod.

Q. Where did you catch the mackerel you used as bait?—A. Along Prince Edward Island.

Q. Had you to go inshore to get them?—A. Almost always.

Q. Is mackerel an inshore fish?—A. Yes.

Q. You fished close inshore for cod?—A. In my time you did not need to go off the island shore for codfish.

Q. Off the coast of Shelburne, what fishing has been done during, say the last four or five years?—A. Close in they mostly catch haddock and cod.

Q. Is halibut caught inshore?—A. Not many.

Q. Do the Americans come there much?—A. A good deal.

Q. Do they come in to fish for bait?—A. Sometimes; not often. They have been in there this last week fishing for bait.

Q. How many vessels?—A. Three or four.

Q. They were in Shelburne Harbor?—A. Yes; inside the lights.

Q. Fishing for bait?—A. Yes; for small mackerel.

Q. How were they catching them?—A. With a bob.

Q. With a hook and line?—A. Yes.

Q. They did not use nets?—A. No.

Q. You say there were five or six of them?—A. About that. A good many were in for bait; I don't think more than five or six were engaged in catching mackerel.

Q. The others came in to buy bait?—A. Yes.

Q. How did they buy bait? Did they ask the people to fish for them?—A. They got the small mackerel out of nets; they would sooner get them out of nets than out of traps.

Q. Did they give orders beforehand to the fishermen to get bait?—A. They come in and the fishermen board them; they send dories along to the different stages and speak for bait.

Q. The vessels send out their dories and speak for bait, and the fishermen go after bait and fish it for them?—A. The vessels come in and send their dories out to the stages and speak for bait.

Q. The bait is not then caught?—A. No. Some will go alongside on their own account without the vessels speaking for bait.

Q. When the vessels speak to them for bait, the fishermen go and catch the herring?—A. Yes; and go alongside the vessels.

Q. They set their nets that night?—A. They set their nets whether the vessels speak to them or not.

Q. Then the fishermen set their nets and take bait to the vessels?—A. Yes.

Q. Is there a large business of that kind done?—A. Yes, a good deal. They come a good deal for bait.

Q. The bait is not kept in hand to be sold?—A. No. If they don't sell it in that way, they salt it. Some would rather salt their bait, and some would rather sell it than salt it.

Q. Do I understand that it pays as well to salt as to sell the bait?—A. Some think so. The men who catch it think so.

Q. What is your judgment?—A. I think they do just as well to sell it as to salt it.

Q. Do you say they would do as well to salt it as to sell it?—A. Yes.

Q. Would they make as much money by keeping the fish and salting it as by selling it?—A. Sometimes they would make more and sometimes less.

Q. Would the average be about the same?—A. Yes.

Q. It is a rule that no bait is given to the vessels unless it is first bespoken?—A. No; sometimes the fishermen go to the vessels and see if the vessels want it.

Q. As a rule, which is the way adopted?—A. They go sometimes and offer bait without being asked.

Q. Which is the greatest part, that which is bespoken or that which

is not!—A. A great deal goes alongside that is bespoken, and a great deal not bespoken. I cannot tell you which is the greater quantity.

Q. Within the last year or two have American fishermen fished much within three miles of the shore in your locality!—A. They don't generally fish within three miles of shore. Sometimes they do for haddock and halibut, but not often. They go out into deep water. They fish a great deal off Shelburne.

Q. Have they within the last year or two fished inshore much!—A. They have fished some, some few have done it.

Q. How many have you seen fishing within three miles of shore!—A. Not many; there are a few who fish in for haddock.

Q. How many have you seen!—A. Two or three, just off where I live.

Q. Have you seen them lately fishing within one or two miles of the shore!—A. Not lately.

Q. When did you last see them!—A. They fished off there last summer some, not this summer.

Q. How many fished there last summer!—A. Two or three. There were a great many more, but I did not see them fishing.

Q. How far from the shore were those two or three vessels fishing!—A. I could hardly say; not far off.

Q. Can you give an idea of how far off!—A. About two or three miles off Shelburne light.

Q. Was it one or two miles!—A. Two miles.

Q. They were fishing, I presume, for cod!—A. For haddock.

Q. Are there any halibut in your locality!—A. There are not many caught down there.

Q. Do you know that Americans come in and fish for them!—A. Not of late years; I saw them fishing for them four or five years ago. Two of them were off Baccaro, which is four miles from Cape Sable Island, eastward. I have not been there lately.

Q. When were you last there!—A. Four years ago.

Q. How near the land were they fishing!—A. About two miles out.

Q. They were fishing for halibut!—A. Yes.

Q. How many vessels did you see then!—A. Two.

Q. Whether American vessels fish all round the coast of Shelburne or not, you don't know!—A. I don't know.

Q. Do you hear that they do so!—A. We hear a good deal.

Q. Do you hear that!—A. We hear that they fish in.

Q. You have heard that they fish inshore!—A. Yes; we hear that they fish inshore, but I do not see them.

Q. The other day, you have said, they were fishing for bait inside of Shelburne lights!—A. Yes; in fact, the captain of one of the vessels came to my store and bought some things, and he told me that he had taken three barrels that day in the harbor.

Q. That was small mackerel for bait!—A. Yes.

Q. Could American fishermen prosecute their sea-cod fishing without this bait!—A. They could not now at all. It has got to be so much the habit to get fresh bait, they cannot do without it and get fish.

Q. Salt bait would not answer!—A. They say not.

Q. Do you mean that American captains say not!—A. Yes; American captains.

Q. How often do they come in for fresh bait!—A. Two or three times in one trip.

Q. How long does a trip occupy!—A. I suppose five or six weeks.

Sometimes they cannot get bait at our place, and have to run as far as Grand Manan. They have had to do it lately.

Q. Did they tell you that?—A. I know they had to do it. They have very often to get from us money to buy bait, and they give us drafts on the owners; they tell us they want the money to buy bait. I know they have had to run up to Grand Manan.

Q. Did they tell you whether they caught bait close in to Grand Mauan?—A. They told me they had to go to Grand Manan for it. I also know some could not get it there; at Grand Manan they are prohibited taking it during a certain time.

Q. They said they could get it during the close season?—A. Yes; these very men who were down catching mackerel at our harbor had been there for bait, and could not get it.

Q. The American fishermen say they cannot get on without the bait?—A. Of course they cannot. Neither American nor Nova Scotian fishermen can get fish without bait. Nova Scotia fishermen don't trawl as much as the Americans, and American vessels require more of it.

Q. Do you know that Americans trawl close by Shelburne?—A. No more than what I have told you.

Q. How did they take halibut?—A. They fished in about ninety fathoms of water, just within sight of land. That is where they catch most of their halibut up and down the coast.

Q. As far as you are aware from the Americans fishing there, could they, without the privilege of coming into our waters to get bait, carry on their outside fishery?—A. I don't know how they could, unless they went to Newfoundland.

Q. Can they get bait on their own shores?—A. I don't think so. At certain times they can get squid and bring it from home.

Q. In spring do they run in and catch bait?—A. Not so much as in summer. June, July, and August are the principal months when they come in.

Q. Where do you send your fish?—A. I have always marketed mine in Halifax, and sent a few to St. John. I have always sent my dried fish to Halifax.

Q. You do not send any fish to the United States?—A. No.

By Mr. Dana:

Q. Have you fished for cod yourself on the Banks?—A. I never fished on Grand or Western Banks, but have fished along the shore, in the gulf, and in Bay Chaleurs.

Q. In speaking in regard to Americans obtaining bait, you spoke of six weeks as the duration of a voyage; do you mean to say that a banker leaving the United States to fish on the Grand Banks is absent from home only six weeks?—A. No; four or five months.

Q. If he visits your shore to get fresh bait it will be three times in the course of the whole voyage?—A. There is a certain class of vessels which come in every eight or ten days for bait.

Q. Those are vessels which fish near the shore?—A. They fish on the small Banks, and sometimes go to the Western Bank; but those which go for a long salt voyage to the Grand Banks are away five and six months.

Q. Those which are away four or five months, if they come in for bait at all, come in two or three times during the voyage?—A. They hardly ever come in.

Q. Have you known any case of those vessels which go on the long

voyages running in to your shores for bait?—A. Hardly ever. They go sometimes to Newfoundland.

Q. Do you, of your own knowledge, know what bait they use?—A. No, I do not.

Q. Mackerel is good bait?—A. I don't think they use mackerel. I think they fetch pogies and clams from home and get herring on the Banks.

Q. Do not a great many American bankers still fish with hook and line?—A. Most of them trawl, but some fish with hook and line.

Q. Do they not find it about as profitable as trawling in the long run?—A. I could not pretend to say. They do both.

Q. But for hook and line fishing do they not use a rather different kind of bait?—A. Those who use lines fetch more bait from home, and use clams.

Q. Clams are not found so good for trawling?—A. They don't do at all.

Q. Mackerel will do?—A. Mackerel and herring are used most; squid is also used.

Q. And other fish cut up, such as cod, will do?—A. Yes; sometimes for halibut; but herring is the best bait they can get. The fishermen say so.

Q. The halibut fishery is offshore, in deep water?—A. Sometimes, and sometimes quite close in. The Americans are not particular about the depth of water so long as they get the fish.

Q. But is not the greater part of the halibut fishery in 30 or 50 fathoms?—A. The greater part is.

Q. Far the greater part?—A. I don't know that it is.

Q. Your shores are rather shallow, and you have to go out some distance to get into 80 or 90 fathoms?—A. You can see land plainly from where there are 90 fathoms.

Q. There has not been much halibut fishing done by Americans within three miles of your coast?—A. Sometimes they do.

Q. Is it not rare?—A. They don't generally do it. Sometimes they do. They generally go out.

Q. You call mackerel pretty good codfish-bait for trawling?—A. They don't like it nearly as well as herring; but mackerel is good bait for trawling. It is next best to herring.

Q. With regard to the trade in bait, there are a good many of your people who have traps where the bait is kept alive?—A. Yes.

Q. I suppose if there is not a sufficient supply of fish caught they will take them from the traps?—A. They would rather have them from the nets.

Q. Do the fishermen make a regular business of catching fish for bait?—A. No; they catch it to salt it, and when the vessels come along they sell it to them.

Q. Some prefer to salt it?—A. Yes; and others prefer to sell it.

Q. They keep at work catching the fish whether vessels come in or not?—A. Yes.

Q. The vessels which come in prefer to buy fresh-caught bait?—A. American fishermen do.

Q. If men have bait fresh-caught, what do they do?—A. They generally go round and let the vessels know.

Q. They go round and tell them they have the fish?—A. The men tell them they want bait.

Q. And if they have it ready they take it as it is?—A. They will set their nets. Some will take it to the vessels and some will not.

Q. Some prefer to salt it and some to sell it?—A. Yes.

Q. Those who prefer to sell it take it on board and sell it, I suppose. How is the fish sold?—A. By the hundred. I never sold any.

Q. Suppose an American vessel comes in and does not find the bait they want ready caught, what does the captain do?—A. He waits. Sometimes they have to wait a good while, and sometimes have to go to Grand Manan.

Q. When an American comes in and wants bait, and cannot find all he wants, then the men set their nets as usual every night?—A. They set them more when the vessels are in for bait.

Q. When vessels are in and short of bait, then your men are pretty active in trying to catch bait?—A. Yes.

Q. They set more nets probably?—A. Yes, because they can clear them without dressing them.

Q. And then what they get they sell to the Americans by the hundred?—A. Yes. I never sold any.

Q. You know that such is done?—A. I know it from getting money from them by drafts.

Q. They are not paid for services whether they catch fish or not, only for the fish they sell?—A. Yes.

Q. Every man has the same chance of catching and selling fish, whether spoken to beforehand or not?—A. If a captain speaks to a man, he will take his fish first, and not take that of a man who might come alongside. Very often men go away dissatisfied, and will not sell it to other vessels.

Q. You never knew any other way of getting bait followed by Americans (I do not mean fishing for it), except that of buying it by the hundred in this way?—A. No.

Q. They pay for the fish, not for the services of the men?—A. Yes.

By Mr. Thomson :

Q. They bespeak from certain fishermen the fish, and will not take it from anybody else?—A. No, only from them.

Q. When fish is bespokeen the fishermen go to fish and bring it to them?—A. Yes.

Q. And sell it at so much per hundred?—A. Yes.

Q. I suppose a bargain is made beforehand?—A. Yes. They have a settled price among them.

Q. Does that price never vary?—A. Yes. Sometimes when the fish are plentiful, vessels will not give as much as when they are scarce.

Q. Then when you say a "settled price," you mean a price agreed upon between the parties at the time?—A. Yes.

Q. In answer to Mr. Dana, you said it was rather rare for Americans to come in and fish within three miles of the shore for halibut. Is that the fact?—A. I don't think they fish a great deal within three miles of the shore.

Q. It is not a rare thing?—A. They do it; but they generally go more out.

Q. You have yourself seen them inside?—A. Yes.

Q. You have said that halibut sometimes come inshore?—A. They are not so plentiful inshore.

Q. And you say American fishermen are not particular whether they take them inshore or not.—A. No.

Q. If halibut were plentiful inshore the Americans would follow the fish in?—A. Yes.

Q. You have said that Bankers which make long voyages do not

come in to your shores for bait?—A. Not those which went on salting voyages.

Q. It is too far for them to come?—A. Yes; and some of our own vessels do not come back.

Q. About how many American vessels come into the small harbor of Shelburne every year for bait?—A. I could not tell you exactly. There are 4, 5, 8, 10, or 15 at a time there.

Q. How many in the course of the season?—A. I could not tell you unless I made an estimate.

Q. You say there are 4, 5, 10, or 15 at a time; they would come in every fortnight?—A. They are in and out, those which fish off there.

Q. They each come in three times during a trip?—A. Yes; but when one goes out another comes in. Some of them are in mostly all the time.

Q. In other words, the waters are never free of American vessels coming in for bait?—A. No.

By Hon. Mr. Kellogg:

Q. Is Shelburne on a bay or river?—A. It is up Shelburne River.

Q. Do you live on the bay?—A. I live five miles below the town. I am a little off the point.

Q. How long is the bay?—A. It goes up five miles. I live down at the point.

Q. Do you live where you can command the bay?—A. Yes; right at the point.

By Mr. Thomson:

Q. You can see over the bay from where you live?—A. I cannot see exactly from my establishment, but a quarter of a mile distant, where my business calls me, I can see right out. Almost all American vessels anchor off my place and come right round the point.

#### No. 80.

ROBERT G. NOBLE, fish merchant, residing at Halifax, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. Have you been engaged for some years in the fish trade?—Answer. I have.

Q. Where have you conducted your operations?—A. In Halifax.

Q. Are you a member of the firm of Noble & Sons?—A. I was.

Q. Have you made up from your books a return showing the prices paid by you for fish to fishermen in Halifax during a number of years?—A. Yes; this (statement produced) is a statement taken from the returns of Robert Noble & Sons, extending from 1861 to 1876, inclusive.

Q. What does it show?—A. The price paid for No. 1 and No. 2 mackerel.

Q. Where?—A. Paid to fishermen in Halifax.

Q. State what the average prices were.—A. 1861, No. 1, \$12; No. 2, \$7. 1862, No. 1, \$10; No. 2, \$6. 1863, No. 1, \$11; No. 2, \$7. 1864, No. 1, \$9; No. 2, \$6. 1865, No. 1, \$14; No. 2, \$11. 1866, No. 1, \$10; No. 2, \$9. 1867, No. 1, \$9; No. 2, \$8. 1868, No. 1, \$14; No. 2, \$11. 1869, No. 1, \$16; No. 2, \$13. 1870, No. 1, \$18; No. 2, \$12. 1871, No. 1, \$9; No. 2, \$7. 1872, No. 1, \$8; No. 2, \$6. 1873, No. 1, \$11; No. 2, \$9. 1874, No. 1, \$9; No. 2, \$7. 1875, No. 1, \$12; No. 2, \$10. 1876, No. 1, \$10; No. 2, \$8.25.

Statement prepared by witness, put in and filed, and is as follows:

*Prices paid to fishermen by Messrs. Noble & Son.*

	No. 1.	No. 2.
1861-'2.....	12	7
1862-'3.....	10	6
1863-'4.....	11	7
1864-'5.....	9	6
1865-'6.....	14	11
Average .....	11.20	7.40
1866-'7.....	10	9
1867-'8.....	9	8
1868-'9.....	14	11
1869-'70.....	16	13
1870-'1.....	18	12
1871-'2.....	9	7
1872-'3.....	8	6
Average .....	12.00	9.40
1873-'4.....	11	9
1874-'5.....	9	7
1875-'6.....	12	10
1876-'7.....	10	8.25
Average .....	10.50	8.62

Q. I am instructed that you have prepared a statement from the books of Mr. A. H. Crowe, fish merchant, Halifax, covering a period of years.—A. I have.

Q. What does it show?—A. The statement shows the prices at which Mr. Crowe sold fish to merchants in Halifax who received orders from the United States to buy.

Q. During what years?—A. From 1861 to 1875.

Q. Will you give the averages?—A. 1860 to 1866, No. 1 mackerel, \$13.12; No. 2, \$8.74. 1867 to 1873, No. 1, \$13.05; No. 2, \$9.43. 1874 to 1877, No. 1, \$12.37; No. 2, \$10.

Q. A slightly higher price was obtained between 1867 and 1873 than since the Washington treaty has been in operation?—A. Yes.

Q. No. 3 mackerel averaged \$6.65 from 1860 to 1866, \$6.55 from 1867 to 1873, and \$8 from 1874 to 1877?—A. Yes.

Q. There is greater demand for them?—A. There appears to be a greater demand for the lower numbers.

Q. Has the commercial depression had anything to do with it?—A. Probably.

Statement prepared by witness from the books of Mr. A. H. Crowe put in, filed, and is as follows:

Kind of fish.	December.	January.	February.	Average.
<b>1860-'61:</b>				
No. 1 mackerel.....	\$16 00			\$16 00
No. 2 mackerel.....	13 00			13 00
No. 3 mackerel.....	8 00			8 00
Herring .....	4 00			4 00
<b>1861-'62:</b>				
No. 1 mackerel.....	13 00	\$13 00	\$13 00	13 00
No. 2 mackerel.....	6 00	6 50	6 50	6 33
No. 3 mackerel.....	4 75	4 75	5 50	5 00
Herring .....	3 25	3 00	3 40	3 23
<b>1862-'63:</b>				
No. 1 mackerel.....	11 50	12 00		11 75
No. 2 mackerel.....				
No. 3 mackerel.....				
Herring .....				
<b>1863-'64:</b>				
No. 1 mackerel.....	12 50		13 00	12 75
No. 2 mackerel.....	6 50		7 00	6 75
No. 3 mackerel.....	5 75		5 75	5 75
Herring .....	3 75		3 75	3 75
<b>1864-'65:</b>				
No. 1 mackerel.....	10 00		11 00	10 50
No. 2 mackerel.....	5 75		7 00	6 37
No. 3 mackerel.....	5 25	5 75	6 00	5 66
Herring .....	3 00	3 75	3 75	3 76
<b>1865-'66:</b>				
No. 1 mackerel.....	15 00		14 50	14 75
No. 2 mackerel.....	11 50		11 00	11 25
No. 3 mackerel.....	9 00	8 63	9 00	8 87
Herring .....	5 50	5 50	5 00	5 33
<b>1866-'67:</b>				
No. 1 mackerel.....	11 00	9 25	9 25	9 83
No. 2 mackerel.....	8 50	8 00	8 00	8 16
No. 3 mackerel.....	7 00	7 25	7 25	7 16
Herring .....	3 40	3 25	3 25	3 30
<b>1867-'68:</b>				
No. 1 mackerel.....		9 25		9 25
No. 2 mackerel.....		8 00		8 00
No. 3 mackerel.....	6 25	6 25		6 25
Herring .....	4 25	4 25		4 25
<b>1868-'69:</b>				
No. 1 mackerel.....	16 00			16 00
No. 2 mackerel.....	13 50			13 50
No. 3 mackerel.....	7 00	8 00		7 50
Herring .....	4 50	4 50		4 50
<b>1869-'70:</b>				
No. 1 mackerel.....		18 00		18 00
No. 2 mackerel.....		14 00		14 00
No. 3 mackerel.....	8 00	8 00	8 00	8 00
Herring .....	3 75	3 75	4 00	3 83
<b>1870-'71:</b>				
No. 1 mackerel.....		18 00		18 00
No. 2 mackerel.....		14 00		14 00
No. 3 mackerel.....	8 00	8 00	8 00	8 00
Herring .....	3 75	3 75	4 00	3 83
<b>1871-'72:</b>				
No. 1 mackerel.....		18 00		18 00
No. 2 mackerel.....		14 00		14 00
No. 3 mackerel.....	8 00	8 00	8 00	8 00
Herring .....	4 75	4 25	4 62	4 54
<b>1871-'73:</b>				
No. 1 mackerel.....	10 00	9 00		9 50
No. 2 mackerel.....		6 00		6 00
No. 3 mackerel.....	4 25	4 00		4 13
Herring .....	4 00	4 00	4 00	4 00
<b>1872-'73:</b>				
No. 1 mackerel.....		10 62	11 00	10 81
No. 2 mackerel.....	6 75	7 00	7 00	6 93
No. 3 mackerel.....	4 50	4 75	5 50	4 92
Herring .....	3 50	3 00	2 50	3 00
<b>1873-'74:</b>				
No. 1 mackerel.....	12 50	11 00		11 75
No. 2 mackerel.....	11 00			11 00
No. 3 mackerel.....	9 10			9 00
Herring .....	4 50			4 50
<b>1874-'75:</b>				
No. 1 mackerel.....		9 50	9 00	9 25
No. 2 mackerel.....		7 00	7 00	7 00
No. 3 mackerel.....	6 00	6 00	6 00	6 00
Herring .....	4 25	4 00	4 25	4 16

*Statement from the books of A. H. Croce—Continued.*

Kind of fish.	December.	January.	February.	Average.
<b>1875-'76:</b>				
No. 1 mackerel.....		\$15 00		\$15 00
No. 2 mackerel.....		12 00		12 00
No. 3 mackerel.....	8 00	9 87		8 93
Herring .....	4 50	4 00		4 25
<b>1876-'77:</b>				
No. 1 mackerel.....	13 00	14 00		13 50
No. 2 mackerel.....	10 00			10 00
No. 3 mackerel.....	8 00			8 00
Herring .....	4 50			4 50

GENERAL AVERAGES.

Year.	Mackerel.			Herring.
	No. 1.	No. 2.	No. 3.	
1860 to 1866.....	\$13 19	88 74	88 65	\$1 00
1867 to 1873.....	13 05	9 43	6 55	3 22
1874 to 1877.....	12 37	10 00	8 00	4 35

Q. You have made up a statement also from the books of Young & Hart?—A. Yes.

Q. Covering what period?—A. From 1861 to 1877. This statement shows the prices realized in Halifax on fish consigned to United States markets.

Q. Does the statement show the different places where the consignments were sold?—A. No. They were sold in Boston, New York, and Philadelphia.

Q. Do you know that to be a fact?—A. Yes.

Q. Give the aggregate results.—A. From 1861 to 1866 average price of No. 1 mackerel, \$19.10 United States currency, or \$13.81 gold. From 1867 to 1873 average price of No. 1 mackerel, \$21.71 United States currency, or \$17.77 gold. From 1874 to 1877 average price of No. 1 mackerel, \$15.44 United States currency, or \$14.01 gold. They are sold duty paid.

Statements prepared by witness from the books of Messrs. Young & Hart, handed in, filed, and are as follows:

*Statement showing prices in United States currency and net prices in gold realized in Halifax, on fish consigned from Halifax to the United States, during the months of February and March, from 1861 to 1877.*

[Extracted from account of sales rendered by consignee.]

No. 1 MACKEREL.

Year.	Currency.	Value of currency.	Price in gold.	Duty, freight, and commis- sions.	Net proceeds in gold.
1861	\$19 50	\$1 00	\$19 50	\$1 47	\$18 03
1862	16 62	98	16 29	1 31	14 92
1863	19 50	58	11 31	1 06	10 25
1864	21 00	63	13 23	1 16	12 07
1865	23 50	50	11 25	1 06	10 19
1866	15 50	73	11 31	1 06	10 25
Total	114 62	4 42	88 89	7 12	75 77
Average	19 10	73	13 81	1 19	12 66
1867	17 00	71	19 07	3 10	8 97
1868	20 00	71	14 90	3 90	11 00
1869	28 50	76	21 06	3 58	18 00
1870	27 00	87	23 49	3 47	20 02
1871	26 50	90	23 85	3 47	20 38
1872	15 00	90	13 50	3 15	10 35
1873	18 00	87	15 66	3 25	12 41
Total	152 00	5 72	124 43	33 22	101 94
Average	21 71	89	17 77	3 31	14 46
1874	18 00	89	16 02	1 30	14 72
1875	8 75	87	7 61	88	6 73
1876	17 50	90	15 75	1 28	14 47
1877	17 50	95	16 66	1 33	15 33
Total	61 75	3 61	56 04	4 79	51 25
Average	15 44	90	14 01	1 20	12 81

No. 2 MACKEREL.

1861	\$16 50	\$1 00	\$16 50	\$1 32	\$15 18
1862	8 75	98	8 58	92	7 66
1863	9 50	51	5 51	77	4 74
1864	13 50	63	8 50	92	7 58
1865	15 50	50	7 75	88	6 87
1866	14 00	73	10 23	1 00	9 23
Total	77 75	4 42	57 06	5 81	51 93
Average	19 96	73	9 51	97	8 54
1867	16 00	71	11 36	3 06	8 30
1868	17 75	71	12 60	3 13	9 47
1869	25 50	76	19 38	3 46	15 92
1870	23 00	87	19 14	3 45	15 69
1871	16 00	90	14 40	3 22	11 18
1872	10 50	10	9 45	2 97	6 48
1873	12 00	87	10 44	3 12	7 33
Total	119 75	5 72	96 77	29 41	74 36
Average	17 11	81	13 84	3 90	10 62
1874	15 00	89	13 35	1 16	12 19
1875	7 62	87	6 63	83	5 90
1876	13 75	90	12 37	1 11	11 96
1877	9 75	95	9 27	95	8 38
Total	46 12	3 61	41 62	4 05	37 57
Average	11 53	90	10 40	1 01	9 39

*Statement showing prices in United States currency, &c.—Continued.*

## No. 3 MACKEREL.

Year.	Currency.	Value of currency.	Price in gold.	Duty, freights, and commis. sions.	Net proceeds in gold.
1861	\$8 50	\$1 00	\$8 50	\$0 92	\$7 58
1862	6 25	98	6 12	.80	5 32
1863	6 75	58	3 90	.69	3 21
1864	9 50	63	5 92	.80	5 18
1865	14 25	50	7 12	.85	6 27
1866	13 25	73	9 67	.98	8 69
Total	58 50	4 42	41 29	5 04	36 25
Average	9 75	73	6 88	.84	6 04
1867	13 50	71	9 58	2 97	6 61
1868	12 00	71	8 52	2 92	5 60
1869	14 50	76	11 02	3 05	7 97
1870	12 50	87	10 88	3 04	7 84
1871	12 00	90	10 80	3 04	7 76
1872	6 75	90	6 07	2 80	3 27
1873	9 00	87	7 83	2 89	4 94
Total	80 25	5 72	64 70	20 71	43 99
Average	11 46	82	9 24	2 96	6 28
1874	9 50	89	8 45	.98	7 53
1875	6 75	87	5 87	.79	5 06
1876	10 75	90	9 67	.98	8 69
1877	8 75	95	8 32	.92	7 40
Total	35 75	3 61	32 31	3 61	29 70
Average	8 94	90	8 08	.90	7 18

## AWARD OF THE FISHERY COMMISSION.

1061

Statement showing the prices in United States currency of mackerel and herring sold in United States, having been consigned by Messrs. Young, Hart & Co., of Halifax, for sale on their account, from 1861 to 1876.

Year.	January.			February.			March.			April.			May.			June.		
	Mackerel.			Mackerel.			Mackerel.			Mackerel.			Mackerel.			Mackerel.		
	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.	1.	2.	3.
1861.	Dolls.	Dolls.	Dolls.															
1862.	19	16	8	20	18	9	19	15	8	18	15	8	17	15	9	33	31	34
1863.	16	9	6	4	4	4	4	17	8	6	4	6	4	15	7	6	4	4
1864.	15	15	9	19	9	7	21	13	9	16	8	6	22	14	7	16	10	17
1865.	16	16	10	21	13	9	44	31	5	22	13	9	7	23	14	10	11	11
1866.	16	16	10	22	15	10	44	32	16	14	9	8	24	16	15	11	11	11
1867.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1868.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1869.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1870.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1871.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1872.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1873.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1874.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1875.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1876.	16	16	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11
1877.	17	17	10	22	15	10	44	32	16	14	9	8	23	16	14	11	11	11

## AWARD OF THE FISHERY COMMISSION.

Statement showing the prices in United States currency of mackerel and herring sold in United States, &c.—Continued.

Year.	July.			August.			September.			October.			November.			December.			
	Mackerel.			Herring.			Mackerel.			Herring.			Mackerel.			Herring.			
	1.	2.	3.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	
1861.	16	13	6 $\frac{1}{2}$	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	Mackerel.	Herring.	
1862.	16	13	6 $\frac{1}{2}$	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	Dolls.	
1863.	16	13	6 $\frac{1}{2}$	16	12	9 $\frac{1}{2}$	15	12	9 $\frac{1}{2}$	16	12	9 $\frac{1}{2}$	15	12	9 $\frac{1}{2}$	16	12	9 $\frac{1}{2}$	
1864.	26	15 $\frac{1}{2}$	10 $\frac{1}{2}$	10 $\frac{1}{2}$	6	4 $\frac{1}{2}$	7	6	3 $\frac{1}{2}$	10 $\frac{1}{2}$	14	10 $\frac{1}{2}$	14	10 $\frac{1}{2}$	14	10 $\frac{1}{2}$	14	10 $\frac{1}{2}$	
1865.	25	17	13	13	10	9 $\frac{1}{2}$	17	12	9 $\frac{1}{2}$	18	14	10 $\frac{1}{2}$	25	14	9	25	16 $\frac{1}{2}$	10 $\frac{1}{2}$	
1866.	23	17	14 $\frac{1}{2}$	14 $\frac{1}{2}$	9 $\frac{1}{2}$	7	17	12	9 $\frac{1}{2}$	19 $\frac{1}{2}$	17	14	25	14 $\frac{1}{2}$	10	22	14	9	
1867.	19 $\frac{1}{2}$	17	13 $\frac{1}{2}$	13 $\frac{1}{2}$	7	5 $\frac{1}{2}$	19 $\frac{1}{2}$	17	14	17	14	7	24	19 $\frac{1}{2}$	12	8	21	18	10 $\frac{1}{2}$
1868.	22 $\frac{1}{2}$	19 $\frac{1}{2}$	12	8 $\frac{1}{2}$	15	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1869.	27	20	12 $\frac{1}{2}$	6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1870.	26 $\frac{1}{2}$	12	11	6	12	10	6 $\frac{1}{2}$	5 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1871.	15	12	10	6	6	4 $\frac{1}{2}$	9 $\frac{1}{2}$	6 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1872.	15	14	9	6 $\frac{1}{2}$	13	9	8	6 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1873.	15	14	9	6 $\frac{1}{2}$	14 $\frac{1}{2}$	6 $\frac{1}{2}$	14 $\frac{1}{2}$	6 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1874.	15	14	9	6 $\frac{1}{2}$	14 $\frac{1}{2}$	6 $\frac{1}{2}$	14 $\frac{1}{2}$	6 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1875.	14	7 $\frac{1}{2}$	5 $\frac{1}{2}$	6 $\frac{1}{2}$	9 $\frac{1}{2}$	7 $\frac{1}{2}$	5 $\frac{1}{2}$	5 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1876.	12	9	5 $\frac{1}{2}$	5 $\frac{1}{2}$	15	9	7	5 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—
1877.	12	9	5 $\frac{1}{2}$	5 $\frac{1}{2}$	5	5 $\frac{1}{2}$	5 $\frac{1}{2}$	5 $\frac{1}{2}$	—	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	12	10	6 $\frac{1}{2}$	—

Q. During the period between 1867 and 1873, No. 1 mackerel, duty paid, realized \$17.77 in gold, and from 1874 to 1877 they realized \$14.01?—A. Yes, that is the average.

Q. These figures were made up by you from the books themselves?—A. Yes.

Q. A question was asked the last witness as to whether the demand for mackerel in Halifax market had declined of late years. Has the demand declined?—A. I think for the past two years the demand for mackerel has not been quite so good.

Q. Previous to the last two years, would you say there had been any decrease in the demand? Take 1874; was there good demand for mackerel that year?—A. I think the demand was equally good in 1874.

Q. Are you aware, from an examination of the statistics, whether the importations of British-caught mackerel in the United States have increased or decreased during the last few years?—A. I have not examined the statistics.

Q. How is the demand this year?—A. The demand is far greater than it has been for many years.

Q. Mackerel are bringing high prices?—A. Mackerel are bringing high prices at present. Almost every sale they are higher.

Q. What are the present prices?—A. There are no No. 1 in the market, for it is too early for them. No. 2 large are selling at \$10.50.

Q. That is a larger price than is usually paid for fish of that description?—A. Not larger. It is larger than was paid last year and the year before.

Q. The demand is good?—A. The demand is good at present. There are orders here which cannot be filled, in consequence of the fish not coming forward. At every sale there appears to be a slight increase in the price realized at former sales this month.

Q. You do not know what price P. E. Island number ones realize?—A. We have none of them here.

Q. I see that the quotations in to-day's paper are—P. E. Island number ones, \$17 to \$18; large twos, \$17 to \$18; and shore twos, \$12 to \$14?—A. Those are Boston quotations.

By Mr. Dana:

Q. Will you tell me, from Noble & Son's account, the average price paid in Halifax, say from 1861 to 1866, inclusive?—A. It is \$11.20 for number ones.

Q. And what is it from 1867 to 1873?—A. \$12 for number ones.

Q. And from 1874 to 1876?—A. \$10.50.

Q. With Noble & Sons, from 1861 to 1866, number one mackerel cost \$11.20 here, on the average?—A. Yes.

Q. And Young & Hart, during the same period of time, from 1861 to 1866, sold them in the United States, duties paid, at an average of \$13.81?—A. No; but for \$19.20.

Q. I speak of gold; they sold at \$13.81; and how much, then, would be the difference, not the profit, between the prices in question?—A. It would be \$2.60.

Q. Then comes freight, insurance, &c.?—A. Yes.

Q. From 1867 to 1873, a duty of \$2 in gold per barrel was levied; and I think that Young & Hart, during that period, sold these fish in the United States at an average price of \$17.77?—A. Yes.

Q. And they paid their own duties?—A. Yes.

Q. And what was the price which Robert Noble & Sons gave during the same period?—A. It was \$12 from 1866 to 1873.

Q. Then, as the fish could be bought in the market for \$12, and as they were sold in the United States for \$17.77, duties paid, which price might really be called \$15.77, that margin was left for profit?—A. Yes.

Q. Prices have been high this year?—A. Yes.

Q. I suppose that the reports which have come in from the fisheries have been such as to raise the prices?—A. The catch has been short, and the demand has been large.

By Mr. Davies:

Q. Do I understand you to mean, when you quote the prices obtained by Young, Hart & Company, that these were net receipts received from the sale of their fish, or did they pay their expenses out of them?—A. They had to pay their expenses, certainly, from these receipts.

Q. You speak of \$13.81 as the average price received from 1860 to 1866; were these the net or gross receipts?—A. They are gross receipts.

By Mr. Foster:

Q. Does not the price of mackerel vary very much from year to year, according to the prospective and the actual catch?—A. Certainly.

Q. Is it not a very speculative commodity?—A. It is regulated in price altogether by the catch.

Q. And if at the beginning of the season the prospects betoken a small catch, the price runs up very high?—A. We never can judge at the beginning of the season what the catch is going to be.

Q. Does the price not vary very much between July and September?—A. Certainly, because by September we can ascertain what the catch is going to be.

Q. It is speculation on the probable catch that makes this great variation?—A. That is not always the case.

Q. Does it not account for a large part of it?—A. Of course it accounts for some of it.

Q. Is it a strange thing to have mackerel vary \$5 a barrel in these two months?—A. I never knew this to be the case.

Q. How much is the greatest variation you have known during those two months? Here is a statement of a variation of from \$25 to \$18.—A. No; those figures relate to sales.

Q. Between July and September of the same year, the price varied from \$25 to \$18, making a difference of \$5; this was in 1865, I believe. What caused it?—A. I understood you to question me with reference to the prices of fish; that is a statement concerning fish sold in the United States.

Q. What difference would this make?—A. That is a statement of fish sold in the United States.

Q. The difference between prices in Halifax and Boston do not vary much, except as to the cost of transportation, do they?—A. But that has no reference to the trade of Halifax. Those are prices for fish sold in the United States.

Q. Suppose that is so, then there would be as much variation in prices in Halifax as in Boston?—A. That year we had no such fish in Halifax during the months you name.

Q. They were all sold out?—A. Yes; all shipped from here.

Q. How late is it in the season before you get rid of your No. 1 mackerel?—A. This is generally done in the winter months. They are then shipped.

Q. So you have no stock here in July?—A. Those are prices at which the fish were sold in and consignments made to the United States.

## No. 81.

JAMES BARRY, member of the civil service, statistical branch, customs department, Ottawa, was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. You have made an examination, I believe, of the Canadian statistical returns respecting lumber, coal, and salt!—Answer. Yes.

Q. As contained in the trade and navigation returns!—A. Yes.

Q. I want you to tell the Commission in reference to the articles of lumber, coal, and salt, exported from Canada to the United States, what the values of these articles were during the years extending from 1867 to 1870, when the duties on them were imposed?—A. This is shown in the following table:

No. 1.—*Statement showing the annual duties accrued upon coal, salt, and lumber, upon importation into the United States from Canada, during the fiscal years ended June 30, 1867, 1868, 1869, and 1870, respectively.*

Articles.	1867.	1868.	1869.	1870.	Total, 1867 to 1870.	Annual average.
Lumber.....	\$1,221,640	\$1,289,735	\$1,379,760	\$1,674,585	\$5,565,720	\$1,391,430
Coal .....	423,017	385,184	321,481	910,925	1,939,907	309,977
Salt.....	14,542	9,970	48,692	20,899	94,103	23,526
Total.....	1,659,199	1,564,809	1,749,933	1,905,709	6,899,730	1,794,933
Deduct duties collected on imports from United States:						
Lumber.....					12,620	
Coal .....					23,493	
Salt.....					334	
					36,647	9,162
						1,715,771
\$1,715,771 $\times$ 12 = ..... Less two years' duty on lumber*. ....						
					890,589,952	
					2,782,860	
Aggregate remissions for twelve years.....						
					17,806,392	

JAMES BARRY.

\* This deduction is made because the remission of duties on lumber offered by the United States Commissioners at the Joint High Commission was not to come into force until two years after the treaty came into operation.

No. 2.—Statement showing the value of timber and lumber of all kinds exported to and imported from the United States by the Dominion of Canada; also the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.

	Exported to United States.			Imported from United States.		
	Quantity.	Value.	Duty payable in United States.	Quantity.	Value.	Duty collected in Canada.
1867.						
Ontario and Quebec.....		\$6,204,977				
Do.....					937,482	Free.
Nova Scotia, 9 months.....		74,541			21,397	\$3,328 59
New Brunswick, 6 months.....		37,583			11,675	
Do.....					5,894	
Prince Edward Island.....		598			1,865	53 95
					1,273	
1868.						
Ontario and Quebec.....		6,656,049	\$1,231,640 60			
Do.....		6,672,664			90,568	3,226 75
Nova Scotia.....		96,735			109,574	Free.
Do.....					26,170	3,225 47
New Brunswick.....		332,781			4,208	
Do.....		364			194	10 49
Prince Edward Island.....					1,134	
1869.						
Ontario.....		7,102,574	1,280,735 10			
Do.....		4,032,090			141,250	3,835 87
Quebec.....		2,179,785				
Do.....					140,688	Free.
Nova Scotia.....		903,048			16,984	2,547 77
Do.....					5,750	
New Brunswick.....		490,166			2,957	338 35
Do.....					13,931	
Prince Edward Island.....		58			80	11 93
					40,194	
					333	49 85
					3,377	
1870.						
Ontario.....		6,835,147	1,379,760 00			
Do.....		4,693,725			223,597	2,947 90
Quebec.....		2,930,811				
Do.....					147,373	Free.
Nova Scotia.....		207,894			14,931	2,239 46
New Brunswick.....		473,892			50,030	
Do.....					1,563	327 37
Prince Edward Island.....		1,951			16,333	Free.
					36,515	Free.
					1,238	185 70
					1,338	Free.
Total (4 years).....		22,902,043	5,565,790 00			
Annual average .....			1,391,430 00			
					269,340	2,662 53
						12,820 00
						3,305 00

Vide Statement No. 1.

JAMES BARRY.

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*Statement No. 3, showing the quantity and value of coal exported to and imported from the United States by the Dominion of Canada; also, the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.*

	Exported to United States.			Imported from United States.		
	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.
1867.						
Ontario and Quebec.....	Tons.	Dollars.	Dollars.	Tons.	Dollars.	Dollars.
Nova Scotia (9 months).....				182,669	730,676	-----
New Brunswick (6 months).....				1,278	10,080	-----
Prince Edward Island.....				2,943	9,750	292 50
90					156	-----
Broken period in Canada (quantity taken from United States returns).....	383,492	855,639	424,017 25	186,910	750,662	292 50
1868.						
Ontario and Quebec.....				183,391	791,998	-----
Nova Scotia.....	198,920	400,652	-----	2,242	11,728	-----
New Brunswick.....	12,534	125,340	-----		81	399
Prince Edward Island.....						
	211,454	595,998	285,184 20	185,714	804,125	-----
1869.						
Ontario.....	10	90	-----	144,071	607,934	-----
Quebec.....	155	974	-----	48,146	187,443	-----
Nova Scotia.....	376,135	578,190	-----	5,061	21,847	-----
New Brunswick.....	8,175	79,980	-----	6,990	30,105	-----
Prince Edward Island.....	40	88	-----	170	769	-----
	384,515	659,316	321,481 00	204,375	848,098	-----
1870.						
Ontario.....	6	61	-----	114,739	499,660	Free.
Do.....				31,725	156,479	15,862 57
Quebec.....	127	1,257	-----	51,743	155,930	Free.
Do.....				13,676	53,131	6,838 20
Nova Scotia.....	209,448	398,621	-----	852	7,101	Free.
Do.....					348	1,673
New Brunswick.....	5,405	54,777	-----		6,018	29,236
Do.....					654	2,650
Prince Edward Island.....					101	666
	214,986	454,716	210,225 00	219,856	905,896	23,901 27
Total (four years).....		2,495,663	1,239,907 00			23,493 00
Annual average.....			309,977 00			5,873 00

Vide Statement No. 1.

JAMES BARRY.

*Statement No. 4, showing the quantity and value of salt exported to and imported from the United States by the Dominion of Canada; also the duty payable thereon in each country, respectively, from 1867 to 1870, inclusive.*

Provinces.	Exported to United States.			Imported from United States.		
	Quantity.	Value.	Duty payable in United States.	Quantity.	Value.	Duty collected in Canada.
1867.						
Ontario and Quebec.....bush.				679,085	\$188,952	
Nova Scotia, 9 months only..do.				4,684	1,271	
New Brunswick, 6 months only, packages.....				311	1,525	\$17.25
Prince Edward Island....pkgs				78	66	
	<b>7,347,589</b>	<b>\$25,537</b>	<b>\$14,541.94</b>		<b>201,984</b>	<b>17.25</b>
1868.						
Ontario and Quebec.....bush				498,558	196,297	
Nova Scotia .....,do.				13,192	1,663	
New Brunswick.....						
Prince Edward Island ...bush.				400	121	
	<b>4,709,948</b>	<b>18,048</b>	<b>9,970.83</b>	<b>512,150</b>	<b>194,683</b>	
1869.						
Ontario .....bush				501,330	147,138	
Quebec .....do.				2,300	1,601	
Nova Scotia .....,do.				11,497	1,160	
New Brunswick.....bbls				1,159	2,057	
Prince Edward Island ...pkgs				161	506	
	<b>23,186,834</b>	<b>70,245</b>	<b>48,693.00</b>		<b>152,662</b>	
1870.						
Ontario .....bush				250,358	66,894	Free.
Do.....				3,155	1,197	157.75
Quebec .....				4,153	706	Free.
Do.....				739	453	36.70
Nova Scotia .....,do.				2,295	691	Free.
Do.....				2,109	374	105.45
New Brunswick .....				1,303	1,296	Free.
Do.....				351	281	17.55
Prince Edward Island .....				200	112	Free.
	<b>9,952,048</b>	<b>34,017</b>	<b>20,899.00</b>	<b>264,586</b>	<b>71,864</b>	<b>317.45</b>
Total (4 years).....		<b>147,849</b>	<b>94,103.00</b>			<b>334.00</b>
Annual average .....			<b>23,598.00</b>			<b>84.00</b>

Vide Statement No. 1.

#### RECAPITULATION.

Average annual duties upon the following goods exported from Canada to United States :

Lumber .....	\$1,391,430.00
Coal .....	309,977.00
Salt .....	23,598.00

**1,749,933.00**

Average annual duties imposed on the following goods imported into Canada from the United States:

Lumber .....	\$3,205.00
Coal .....	5,873.00
Salt .....	84.00

**9,163.00**

Vide Statement No. 1.

JAMES BARRY.

*Statement No. 5, showing the quantity and value of timber and lumber imported into the United States from the Dominion of Canada; also the duty payable thereon, annually, from 1867 to 1870, inclusive.*

[Compiled from United States returns.]

Timber and lumber.	Imported into the United States from Dominion of Canada.			
	Quantity.	Value.	Duty.	Rate of duty.
1867.				
Unmanufactured		\$2,559		Free.
Shingle bolts and stave bolts		85,061		Do.
Boards, plank, and scantling	M. ft.	413,375	3,839,960	20 per cent.
Timber, hewn	M. ft.	2,823	175,793	Do.
rough		413,401	82,680 20	Do.
other	M. ft.	161,203	1,539,364	Do.
Laths	M.	64,226	76,634	Do.
Staves	M.	6,281	126,102	10 per cent.
		6,258,874	1,221,640 60	
1868.				
Unmanufactured		2,077		Free.
Shingle bolts and stave bolts		119,395		Do.
Boards, planks, scantling, &c.	M. ft.	255,494	2,620,842	20 per cent.
Timber, hewn	M. ft.	2,996	109,254	Do.
rough		515,763	103,152 60	Do.
Other lumber	M. ft.	300,214	3,032,177	Do.
Laths	M.	100,723	112,300	Do.
Staves	M.	1,181,409	116,879	10 per cent.
		6,628,587	1,229,735 10	
1869.				
Unmanufactured		38,197		Free.
Manufactures of		7,093,885	1,379,760 00	Average 19 45 per cent. No details given.
		7,132,082	1,379,760 00	
1870.				
Unmanufactured		97,874		Free.
Manufactures of		8,610,723	1,674,585 00	Average 19 45 per cent. No details given.
		8,638,597	1,674,585 00	

JAMES BARRY.

*Statement No. 6, showing the quantity and value of coal imported into the United States from the Dominion of Canada; also the duty payable thereon, annually, from 1867 to 1870, inclusive.*

[Compiled from United States returns.]

Coal.	Imported into United States from Dominion of Canada.			
	Quantity.	Value.	Duty.	Rate of duty.
1867.				
Bituminous	338,377	\$855,007	\$422,971 25	Per ton. \$1 25
Other	115	632	46 00	40
	338,492	855,639	423,017 25	
1868.				
Bituminous	298,132	53,251	285,165 00	1 25
Other	48	269	19 20	40
	298,180	553,520	285,184 20	
1869.				
Bituminous	257,185	630,571	381,481 00	1 2
1870.				
Bituminous	168,180	384,287	210,925 00	1 25

JAMES BARRY.

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*Statement No. 7, showing the quantity and value of salt imported into the United States from the Dominion of Canada; also the duty payable thereon, from 1867 to 1870, inclusive.*

[Compiled from United States returns.]

Salt.	Imported into United States from Dominion of Canada.			
	Quantity.	Value.	Duty.	Rate of duty.
1867.				
In bulk, pounds.....	5,153,775	\$17,374	\$0,976 79	18 cents per 100 pounds.
In bags, pounds.....	2,193,814	8,163	5,265 15	24 cents per 100 pounds.
Total .....	7,347,589	25,537	14,541 94	
1868.				
In bulk, pounds.....	2,921,726	6,592	3,999 10	18 cents per 100 pounds.
In bags, pounds.....	2,482,222	11,456	5,971 73	24 cents per 100 pounds.
Total .....	4,709,948	18,048	9,970 83	
1869.				
Pounds .....	23,186,834	70,245	48,692 00	Average 21 cents per 100 pounds.
1870.				
Pounds .....	9,952,042	34,017	20,899 00	Average 21 cents per 100 pounds.

JAMES BARRY.

Q. These are the figures for the four years when such duties were levied?—A. Yes.

Q. After the abrogation of the Reciprocity Treaty and before the Washington Treaty came into force?—A. Yes.

Q. What is the aggregate?—A. The aggregate value is \$28,902,043, and the aggregate duty, \$5,565,720.

Q. What are the aggregates for coal and salt during the same periods?—A. The aggregate value of coal exported from Canada to the United States, during the four years mentioned, is \$2,495,663, and the duty collected thereon, per United States returns, if entered for consumption, \$1,239,907. The aggregate value of salt exported from Canada to the United States for these four years, per United States returns, is \$147,847, and the duty collected thereon, if entered for consumption, \$94,103.

Q. Can you give the annual aggregate duty on these three articles?—A. It is \$1,724,933.

Q. Have you made up a similar statement respecting the exports of the same articles from the United States into Canada?—A. Yes.

Q. Read off the aggregates for each year.—A. They are contained in the same tables, and the duties average \$9,162 per annum.

Q. What would be the difference?—A. The difference between that and the amount I stated is \$1,715,771.

Q. Multiply that by twelve years, and what does it make?—A. \$20,589,252.

Q. What did you say the annual duties paid on lumber, imported into the United States from Canada, amounted to?—A. \$1,391,430.

Q. And doubling that, how much will it make?—A. \$2,782,860.

Q. Taking this from the aggregate twelve years' duties, payable on these three articles, \$20,589,252, what is the net result?—A. \$17,806,392.

Q. From what statistical returns did you compile these statements?—A. I took them both from Canadian and United States trade and navigation returns.

Q. And you have both of these here?—A. Yes.

Q. And you have carefully complied this statement?—A. Yes.

Mr. DAVIES. These returns are too voluminous to be read, but we

wish it to be understood that we have them here ready, and we desire them to come in as evidence before the Commission.

Q. I understand that you are prepared with a full statement showing the quantity of fish exported from the Dominion into the United States, and also from the United States into the Dominion, for a number of years?—A. Yes.

Q. These tables show the imports and exports of fish from the various provinces, and they are compiled from Canadian as well as from United States returns?—A. Yes; some relate to the period extending from 1850 to 1876; some to the period extending from 1854 to 1876, and some to the period between 1851 and 1876.

Q. They cover all the ground and give all the information which is to be gained from the returns of both countries?—A. Yes.

Q. Have you any summary of them made up?—A. Yes; it is as follows:

*Summary statement No. 8, showing the value of fish and products of fish imported from United States and exported to United States and all other countries by Dominion of Canada (exclusive of British Columbia and Manitoba), during each year, from 1851 to 1876, inclusive.*

Years.	Imported from the United States.	Exported.		
		To United States.	To other countries.	Total.
1851.....	\$87, 150	\$544, 325	\$1, 001, 096	\$1, 545, 321
1852.....	33, 391	823, 135	1, 087, 059	2, 510, 864
1853.....	71, 944	774, 118	1, 848, 155	2, 692, 573
1854.....	80, 460	1, 027, 197	2, 969, 589	3, 989, 766
1855.....	269, 043	1, 585, 158	2, 189, 813	3, 774, 965
1856.....	410, 950	1, 468, 277	2, 444, 300	3, 916, 667
1857.....	338, 045	1, 198, 379	2, 081, 068	3, 259, 640
1858.....	193, 889	1, 436, 140	2, 509, 256	3, 943, 396
1859.....	211, 738	1, 832, 003	2, 706, 360	4, 541, 063
1860.....	264, 298	1, 648, 214	2, 784, 495	4, 432, 709
1861.....	294, 163	843, 154	2, 555, 043	3, 398, 197
1862.....	321, 834	816, 163	2, 591, 707	3, 408, 669
1863.....	205, 499	766, 200	2, 784, 182	3, 548, 502
1864.....	262, 475	1, 379, 178	2, 903, 267	3, 559, 045
1865.....	324, 340	1, 979, 498	2, 919, 286	4, 908, 718
1866.....	401, 928	1, 809, 355	3, 021, 577	4, 830, 939
1867.....	173, 366	1, 108, 779	2, 407, 734	3, 516, 503
1868.....	170, 156	1, 103, 459	2, 478, 668	3, 593, 527
1869.....	99, 563	1, 208, 005	2, 931, 157	3, 429, 969
1870.....	99, 409	1, 129, 465	2, 700, 601	3, 830, 966
1871.....	123, 331	1, 087, 341	3, 169, 735	4, 257, 066
1872.....	123, 670	933, 041	3, 586, 315	4, 519, 356
1873.....	279, 049	1, 303, 169	3, 482, 547	4, 875, 916
1874.....	728, 921	1, 612, 195	2, 892, 283	4, 504, 578
1875.....	737, 587	1, 637, 712	3, 608, 074	5, 945, 786
1876.....	679, 657	1, 455, 020	3, 973, 457	5, 429, 086
Total for 26 years.....	7, 032, 610	32, 580, 343	68, 115, 774	100, 696, 117

Q. Can you give me the totals for the years from 1867 down for the two countries?—A. Yes; here it is:

*Statement No. 9, showing the value of fish and products of fish exported from the Dominion of Canada (exclusive of British Columbia and Manitoba) and the Province of Newfoundland to the United States, per Canadian and Newfoundland returns; also the value of similar commodities imported into the United States from British North America, per United States returns, during ten years, from 1867 to 1876, inclusive.*

Years.	Exported to United States, per Canadian returns.			Imported, per United States returns.
	From Dominion of Canada.	From Province of Newfoundland.	Total.	
1867.....	\$1,106,779	\$246,948	\$1,355,727	\$1,773,742
1868.....	1,103,859	436,887	1,530,746	960,127
1869.....	1,203,805	626,557	1,833,382	1,585,290
1870.....	1,193,665	309,933	1,439,598	1,482,505
1871.....	1,087,341	349,475	1,436,816	1,383,945
1872.....	933,041	236,231	1,169,272	1,400,161
1873.....	1,393,389	242,967	1,636,356	1,690,121
1874.....	1,612,295	282,250	1,894,545	2,104,134
1875.....	1,637,712	245,639	1,863,351	3,343,641
1876.....	1,455,629	155,447	1,611,076	1,852,797
	12,670,515	3,102,354	15,772,869	
Excess of American imports (as above) over Canadian exports .....				694,633

JAMES BARRY.

Q. What period of years does that cover?—A. It covers the years from 1867 to 1876.

Q. What are the total imports from Canada into the United States?—A. Per Canadian returns they amount to \$12,670,515 for the Dominion of Canada, and to \$3,102,354 for the Province of Newfoundland, giving a total of \$15,772,869.

Q. Now, how are they given in the United States returns?—A. I find in them that the imports from British North America amounted to \$16,467,502.

Q. A slight discrepancy is shown; and the United States returns show a greater value as to our exports to them than do our own returns?—A. Yes.

Q. What is the difference?—A. It is \$694,633 for these ten years.

Q. A gentleman stated here in evidence that the returns of exports from Prince Edward Island to the States were incorrect; these returns were made up by you from United States statistics, showing that their imports from us during the period in question amounted to \$16,467,502?—A. Yes.

Q. The difference between the American and Canadian returns in this respect being \$694,633, by which amount the former exceed the latter?—A. Yes.

Q. That makes a difference of about \$70,000 a year?—A. Yes.

Q. I want to know if you can tell me whether during the past ten years the quantity of mackerel imported into the United States from the Dominion of Canada, as appears by the statistical returns, has sensibly decreased or remained stationary?—A. I have looked into the United States returns for this information, and they give the results for seven years, but during three of these ten years, it seems that they have

omitted to record the quantity separately, lumping it together with other fish.

Q. You cannot give the quantity from the American returns for three years, because these returns are imperfect ?—A. Yes.

Q. But you can do so for the seven years ?—A. Yes; they are as follows:

*Statement (No. 10) showing the quantity of mackerel imported into the United States from British North America during each year from 1867 to 1876, respectively.*

[Compiled from Commerce and Navigation Returns of United States.]

	Barrels.
1867 .....	77, 503
1868 .....	41, 655
1869 (not given in United States returns).....	.....
1870 (not given in United States returns).....	.....
1871 (not given in United States returns).....	.....
1872 .....	77, 731
1873 .....	89, 698
1874 .....	89, 693
1875 .....	77, 479
1876.....	76, 538

JAMES BARRY.

Q. For the years 1867, 1872, 1875, and 1876 the quantity is as nearly as possible 77,000 barrels a year ?—A. Yes.

Q. And for 1873 and 1874, 89,000 barrels a year ?—A. Yes.

Q. You are a member of the civil service of Canada?—A. Yes.

Q. In what department are you ?—A. In the customs department.

Q. And you are an expert at figures ?—A. I am in charge of the statistical branch.

Q. And that is your business ?—A. Yes.

Q. Your time is altogether devoted to making up statistics and dealing with them ?—A. Yes.

Q. And you have these trade and navigation returns here ?—A. Yes.

Q. And now ready for inspection ?—A. Yes.

Q. And you are ready to show them to the United States counsel, if it be so desired ?—A. Yes.

Q. And that statement is taken from the United States returns ?—A. Yes.

Q. Have you examined the returns with the object of gathering and compiling from them what have been the exports of cured and fresh fish from the United States to foreign countries during any number of years ?—A. Yes; I have made up a table respecting this matter. It is as follows:

## AWARD OF THE FISHERY COMMISSION.

Statement (No. 11) showing the United States exports of dried and smoked, pickled, other cured, and fresh fish, of domestic and foreign production, respectively, for four years preceding the Reciprocity Treaty, six years during the operation of that treaty, seven years after its abrogation, and for three years under the Washington Treaty.

[Compiled from United States Commerce and Navigation Returns.]

Fiscal year.	Dried and smoked fish.	Pickled fish.	Other cured fish.	Fresh fish, not included.	Total outrushery value of dried and smoked fish.	Domestic fish exported from San Francisco.	Current yearly values of San Francisco exports, exclusive of San Fran. Fish Co.	Average yearly value of our exports, exclusive of San Fran. Fish Co.	Approximate total domestic exports.	Value of foreign fish re-exported, not incl. serving fish.	Total exports of fish (gold value) of San Fran. Fish Co.
1850-'51.....	\$367,720	\$113,922	.....	.....	\$481,651	.....	.....	.....	\$181,661	.....	\$635,020
1851-'52.....	351,127	98,823	.....	.....	453,010	.....	.....	.....	453,010	207,580	660,530
1852-'53.....	1832,33	89,419	371,607	187	561,016	461,016	322,019	322,019	561,016	704,025	911,073
1853-'54.....	389,973	160	532,160	.....	532,160	532,160	358,913	358,913	532,160	358,913	911,073
<b>Average of four years prior to reciprocity.....</b>											
1860-'61.....	634,941	24,028	116,103	.....	878,960	323,254	\$94,715	100,715	845,715	160,523	1,006,926
1861-'62.....	712,594	330,683	.....	.....	1,043,369	22,450	1,020,819	98,1	909,550	40,169	946,719
1862-'63.....	921,131	458,568	359,343	.....	1,350,447	23,311	1,386,533	72,9	1,062,062	116,900	1,025,943
1863-'64.....	967,918	508,568	1,306,029	.....	1,470,130	64	946,643	79,175	1,025,943	1,025,943	818
1864-'65.....	1,106,647	631,086	13,890	1,751,623	21,177	1,730,446	49,5	856,717	911,384	573	911,384
1865-'66.....	1,724,427	360,074	192,198	1,286,699	.....	1,286,699	71,2	916,130	118,694	1,034,824	1,034,824
<b>Average 1861-'66 during reciprocity.....</b>											
1866-'67.....	916,174	4,994	24,348	1,302,629	18,242	1,384,597	1,384,597	1,384,597	1,384,597	1,384,597	95,042
1867-'68.....	586,586	217,494	188,281	1,003,361	361	1,003,361	70,9	711,383	401,193	1,113,326	307
1868-'69.....	508,137	909,461	184,774	982,372	44,704	947,688	70,9	667,583	321,724	989,137	307
1869-'70.....	581,825	121,455	947,943	63,083	925,371	1,167,208	81,1	626,592	160,403	793,993	317
1870-'71.....	570,354	223,211	314,117	69,131	1,245,703	76,544	1,164,404	88,7	946,606	919,711	1,150,711
1871-'72.....	592,598	326,360	40,112	1,939,362	1,348,958	1,380,953	1,380,953	1,380,953	1,380,953	1,380,953	1,376,573
1872-'73.....	580,151	169,201	637,533	671,077	1,420,100	305,532	1,114,508	87,3	973,018	473,037	1,446,035
<b>Average 1867-'73, after abrogation of reciprocity.....</b>											
1873-'74.....	619,569	386,041	1,186,204	166,974	2,024,413	1,321,440	87	1,144,091	112,808	1,267,758	307
1874-'75.....	710,121	359,689	1,883,350	168,444	2,014,789	1,420,971	1,564,917	89	1,382,770	152,084	1,075,710
1875-'76.....	800,300	417,281	2,104,722	160,170	3,590,088	1,351,601	2,140,367	90	1,934,446	113,343	9,047,701
<b>Average of 1874-'76, under Treaty of Washington.....</b>											
1874, 005	334,350	1,095,427	60,100	2,436,901	1,137,944	1,641,015	.....	1,304,008	136,356	1,440,436	356

Q. That statement is compiled from United States trade and navigation returns?—A. Yes.

By Mr. Foster:

Q. The last table you have put in shows the United States exports of fish of all kinds, cured and fresh, to foreign countries during a series of years?—A. Yes, with the exceptions stated therein.

Q. What do you mean by re-exports?—A. This term relates to fish imported into the United States and exported thence.

Q. Where are these fish exported to?—A. To foreign countries.

Q. Do you know to what countries?—A. Yes; the returns show that.

Q. Have you mentioned this in the statement?—A. No.

Q. Have you put anything in it to show how much fish has been imported from the United States into the Dominion?—A. Yes; I have a statement to that effect. (See Statement 8.)

Q. Have you charge of that part of the customs statistics which will give us the reports of the collector of customs at Port Mulgrave?—A. There is no such port.

Q. But there used to be such a port?—A. Yes.

Q. When did it cease to exist?—A. Three or four years since, I think.

Q. Was that before or since 1874?—A. It was before 1874.

Q. We have had put in here some returns or reports of the collector of customs at Port Mulgrave, for the years 1873 and 1874, showing the number of vessels that passed through the Strait of Canso; do you know anything about this matter?—A. No; Mulgrave is a subport. The collector there makes his reports to the collector at Guysborough, through whom we receive them.

Q. You get the same returns as formerly, though in a different way?—A. Yes; but they include other information besides that respecting Port Mulgrave.

TUESDAY, September 18, 1877.

Mr. THOMSON. The case for the Crown is closed with two exceptions: One of our pieces of testimony will relate to the expenses involved in the maintenance of light-houses, buoys, and beacons, &c., which are used by the Americans; at least, they get the benefit and advantage of them in the prosecution of these fisheries, and we contend that they should pay for it. The witness we purpose calling in this relation is not here at present, but he will be here, I expect, in a few days, and if no objection is raised to it on the other side, we propose then to call him. The same course is intended to be pursued by us with regard to one of our witnesses from Grand Manan, whose family is now very ill, thus preventing his presence.

Mr. FOSTER. When these witnesses arrive you can introduce them.

Mr. THOMSON. With those exceptions, the case for the Crown is closed; and I suppose that any other witness whom we may desire to call will be heard.

Mr. FOSTER. We will grant anything for which there is reasonable excuse.

No. 82.

FRIDAY, September 28, 1877.

WILLIAM B. SMITH, residing at Cape Sable Island, Nova Scotia, master mariner and fisherman, called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Davies:

Question. How many years have you resided at Cape Sable Island?—  
Answer. I was born there, and it always was my home.

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Q. How old are you ?—A. Fifty-four years.

Q. What kind of fish are caught in your neighborhood ?—A. Mackerel, herring, codfish, haddock, and pollock.

Q. With regard to mackerel, are they fished much from the shore by your people ?—A. Altogether from the shore.

Q. How far from the shore ?—A. From 90 fathoms or 180 yards from the shore to one mile, perhaps; no further than one mile.

Q. Can you give us an idea of what quantity is exported from there every year. You live at Barrington ?—A. In the township of Barrington?

Q. What quantity of mackerel is exported from the town of Barrington ?—A. About 8,000 barrels last year.

Q. How many boats are employed ?—A. About 200, as near as I can recollect.

Q. You catch them in traps besides ?—A. Yes.

Q. Do you fish with boats or traps ?—A. With traps.

Q. How far are your traps from the shore ?—A. 90 fathoms or 180 yards.

Q. Your fishing this year is pretty good ?—A. Middling.

Q. What quantity have you caught ?—A. 900 barrels.

Q. Have you ever been mackerel-fishing in vessels ?—A. Yes; I have been six seasons, summer seasons.

Q. Were you in American or British vessels ?—A. The first season I was in an American vessel, the other five I was in British vessels.

Q. What was the first year ?—A. 1845.

Q. Where did you fish ?—A. From off Delaware River down to Mount Desert.

Q. Did you fish in an American vessel in the gulf ?—A. No.

Q. In British vessels ?—A. Yes.

Q. In what years ?—A. In 1851, 1852, 1853, and 1854.

Q. Off what shores did you catch your fish ?—A. Mostly off the northwest coast of Cape Breton.

Q. Did the rest of the fleet, or any of the fleet, fish with you in the same waters ?—A. Altogether, British and American.

Q. How many were there in the fleet ?—A. About 250 sail, British and American vessels altogether. We fished at the northeast side of Prince Edward Island also.

Q. At what distance from the shore did you fish off those coasts ?—A. We fished from half a mile to eight or nine miles out, perhaps.

Q. And what proportion of the catch made by you was taken within three miles of the shore ?—A. Mostly all of ours was taken within one mile from the shore.

Q. When you speak of catching your fish from one mile to eight miles off, do you mean your vessel or the fleet generally ?—A. The fleet generally. We all fished together.

Q. Give the names of the four vessels you were in ?—A. Pearl, Delegate, Isabella Maria, Glad Tidings.

Q. When were you last in Glad Tidings ?—A. 1873.

Q. Where did you fish ?—A. In North Bay.

Q. That is marked Aspee Bay ?—A. Yes; and off Prince Edward Island and Cape Breton.

Q. How far did you fish off shore there ?—A. As close inshore as we could get.

Q. Was the Glad Tidings a British or American vessel ?—A. British.

Q. Was she a hand-liner or a purse-seiner ?—A. We used both, but

we did not catch any mackerel with the seine, because they were too close inshore.

Q. Did you take all your catch inshore?—A. All close in.

Q. Within what distance?—A. Within a quarter of a mile, principally. We anchored the vessel as near the shore as we could.

Q. Have you found there has been a change in the habits of mackerel with regard to the distance they are caught from the shore within the past twenty years?—A. Yes.

Q. In what respect?—A. They are more inshore.

Q. When you were there, in 1873, in the Glad Tidings, were other vessels there besides?—A. Yes.

Q. Many?—A. Quite a fleet. 50, 60, or 70 sail.

Q. American vessels?—A. Americans almost altogether, very few British vessels.

Q. You say you were within a quarter of a mile from shore?—A. They caught them where we caught ours. We all fished together.

Q. In 1873, am I correct in stating you did not go off shore beyond three miles?—A. We tried, but we did not catch any mackerel.

Q. As far as your knowledge goes, were any mackerel caught outside in 1873?—A. We did not know of any; not by the fleet we were fishing with.

Q. With regard to halibut fishing, is there any halibut fishing carried on near Cape Sable Island?—A. Not by British people. The Americans fish there.

Q. Every year?—A. Every year regularly.

Q. What is the number of the fleet which comes there to fish for halibut?—A. I have seen as high as 9 sail at one time. I should suppose there was from 40 to 60 sail.

Q. Are the vessels cod-fishers at other times of the year?—A. I think they are. During the latter part of May and June they fish for halibut, then they fish for cod until October, and then for halibut.

Q. In the spring and fall they fish for halibut, and in the summer for cod?—A. Yes.

Q. Where do you live?—A. On Cape Sable Island.

Q. Can you see the fleet fishing for halibut?—A. Yes.

Q. Are they right within sight from your door?—A. Yes; I can count the men on deck with an ordinary glass. I counted at one time 9 sail at anchor fishing there.

Q. Do they take the halibut they catch to market salted or fresh?—A. They take them fresh. Some put them in water, others in ice. They do not salt any, I think.

Q. How long do vessels or the fleet remain there?—A. About two weeks are called a trip. After that they go home.

Q. How far from the shore are those halibut caught?—A. From one mile to two and a half or three miles perhaps, off.

Q. They are caught inshore?—A. Near my place they fish within one mile and a half of the shore, in 18 fathoms of water.

Q. Is there a bay called Lobster Bay there?—A. Yes.

Q. When you speak of having seen them, is that where you saw them?—A. A little to the southward of that—off where I live.

Q. They also fish in that bay?—A. I have passed there in vessels and seen them fishing in that bay.

Q. Do the people in your vicinity hire on board of American vessels and fish in them?—A. Yes.

Q. Then you would have an opportunity of hearing from them?—A. Yes.

Q. You have heard that from them?—A. Yes. They often go as masters of vessels.

Q. You have heard it from neighbors of yours?—A. Yes.

Q. How do they fish, with hand-lines or trawls?—A. With trawls for halibut altogether.

Q. Where do they get bait?—A. In the harbors there, from our people.

Q. What would you place the fleet at that frequents that vicinity?—A. For halibut fishing, I think from 40 to 60 sail would be a fair average.

Q. They come and go; you say you have seen nine at one time. Do you mean to say that a different fleet comes along?—A. I think so, because there are some there all the time.

Q. Are you perfectly positive about it?—A. Yes.

Q. You speak from the evidence of your own eyes?—A. I speak from my own knowledge, not from hearsay at all.

By Mr. Dana:

Q. Those vessels you have observed with a glass from your house, so that you could count the men on deck, did you know them to be Americans always, all of them?—A. I know some of them to be Americans by the fact that I have been on board of them and supplied them with bait.

Q. When you go on board to supply them with bait you can tell their national character?—A. Yes.

Q. But when you are looking at them through a glass, can you tell their national character?—A. I can form a pretty good opinion. They fly the American flag.

Q. While they are fishing?—A. Frequently. When they come in for bait, they always fly it.

Q. Is it not a signal that they want bait?—A. Not exactly; they don't signal for bait.

Q. Do you mean to say that an American vessel floats its colors while it is lying-to fishing?—A. They do very often.

Q. If there is any need in showing their colors, no doubt they will do it?—A. We have been in the habit of doing it when we get a good catch of fish.

Q. You run up the national flag when you have a good catch?—A. We run up some flag.

AQ. Do you run up the national flag?—A. The one we generally use.

Q. When you have not the national flag, what do you substitute?—A. We substitute the next best.

Q. And if you don't have a good catch?—A. We don't use any flag.

Q. Is it the same with those vessels off there of which you have spoken?—A. They mostly always hoist their flag when they come into port.

Q. If an American vessel is lying off fishing, does she fly the national colors?—A. Sometimes they do; not always.

Q. Not by any means always?—A. Not always.

Q. I don't mean when coming into port, or when they have had extraordinary luck, but is it anything like the custom to fly the national flag when the fleet is lying-to fishing?—A. I don't think it is.

Q. How do you know the national character of those vessels, except when you have been on board and except when they have come into port and you have watched them out?—A. I see them in the harbor with their flags up.

Q. But if they do not come into harbor, how do you know the national character of the vessels?—A. I could only tell from appearances.

Q. Are there no British vessels fishing for halibut off your coast?—A. I don't know of any British vessels fitting out to fish for halibut.

Q. From where?—A. From anywhere.

Q. Inshore or out?—A. Not to fish for halibut.

Q. Don't they fish for halibut?—A. Not that I know of.

Q. You never knew of a British vessel fitting out to fish for halibut?—A. No.

Q. Do I understand you to say that you never knew a British vessel to go out to fish for halibut?—A. I never knew of one.

Q. There are not many British Canadian or provincial vessels which now go out to fish at all?—A. Yes; there is a large fleet.

Q. What was the number of Nova Scotia vessels, decked fore and aft—not boats—which were fishing for mackerel when you began to know about them?—A. I cannot say; but the number was very small.

Q. And then they increased in number?—A. Yes.

Q. Up to what time?—A. I do not know but that they are increasing yet.

Q. Do you not know that the number of vessels which has been fishing for mackerel anywhere in Dominion waters has very much decreased, and that the fishermen have taken to boat-fishing instead?—A. I could not say; the eastern people in Prince Edward Island and Cape Breton have taken to boats.

Q. They have very largely left off vessel-fishing and taken to boats?—A. I think that they have left off going in American vessels, and have gone fishing in their own boats.

Q. They have left off building and buying vessels, and sending the larger class of vessels fishing?—A. I could not say that.

Q. In what depth of water did these vessels you speak of, and which you watched more or less, fish?—A. In this one particular place, near where I live, they fish in about eighteen fathoms of water.

Q. For halibut?—A. Yes.

Q. How far from the shore?—A. Not over one and a half miles from an island called Green Island; about one and a half miles from it.

Q. In what direction?—A. About southwest by west, I think.

Q. Do you say that, as a general thing, a depth of eighteen fathoms of water is to be found within one mile or one and a half miles of your shore?—A. There is a place with a depth of eighteen fathoms about one and a half miles from the shore, but the soundings are generally broken. The water is deep and shoal, the bottom being ridgy, and this is the deep spot where they catch halibut, which like deep water; this is near and southwest by west of Green Island. Perhaps you may not have the soundings, but that is the depth of the water.

Q. Having examined the soundings marked on the chart, do you dispute the correctness of the chart?—A. I do if eighteen fathoms is not marked there. I can find that depth within one and a half miles of Green Island, and I can find fourteen fathoms inside of this island.

Q. What figure is this which I now show you?—A. 20; but that is wrong. There is no twenty fathoms there.

Q. Look at the chart and see if you can find one place within three miles of the coast where is to be found the depth you mentioned; you give it up?—A. No; I will not.

Q. Is it not true that you cannot find eighteen fathoms, unless it be in a hole, within three miles of your island?—A. No; I can find eighteen fathoms in plenty of places within that distance.

Q. How do you account for this not being mentioned on the chart?—  
A. I do not know why it is, I am sure.

Q. There are small holes with such depth in that neighborhood?—A. No; but quite large places, where you can set a good long trawl.

Q. But there are none of eighteen fathoms; the distance put down on the chart within the three-mile limit there all vary from five to fifteen fathoms?—A. They are not correct; I would not trust to these soundings. I would go by my own soundings and not use the chart.

Q. You mean that vessels go to particular spots where there is a depth of eighteen fathoms; you admit the general correctness of these soundings?—A. On some lines they are correct, and on some they are not to be depended on. Fishermen do not run by the chart when near the shore. In some places there is a depth of twenty-five fathoms; I have sounded them at different times.

Q. Do the vessels which you call American lie at one place or move about?—A. They shift about.

Q. You think that they drift from one deep spot to another?—A. They do generally look for deep water, and where they fish they come to anchor, when taking halibut.

Q. Can you give us the name of any of these vessels that you say have fished within that distance of the shore in eighteen fathoms of water?—A. I can give the name of one, the Sarah E. Pile, Captain Swett, of Gloucester. I supplied him this summer with 2,800 mackerel.

By Mr. Foster:

Q. Is he a halibut fisher?—A. I think he fishes for halibut.

By Mr. Dana:

Q. What year was that?—A. This present year. Swett is a neighbor of mine.

Q. This vessel then is under the command of a Nova Scotia master?—A. Yes.

Q. Is he a British subject?—A. Yes.

Q. How does he come to be in command of an American vessel?—A. One-half of the Cape Ann fleet is commanded by men who come from my neighborhood, and who have lived at Cape Ann for some time.

Q. Just enough to get their papers, I suppose?—A. I don't know how they manage that. I sold the 2,800 mackerel on the 5th of last June, for bait.

Q. You have with you a memorandum concerning this vessel to which you sold these mackerel?—A. Yes.

Q. What did they do with mackerel?—A. They put the fish in ice on board. I don't know what became of the latter afterwards.

Q. What did the vessel do then?—A. She went out to fish.

Q. Did you see her do so?—A. Yes.

Q. Did she continue fishing with 2,800 fresh mackerel on board?—A. The captain took them for part of his bait. We did not supply hem altogether with bait.

Q. Did you go on board of her after she left the harbor?—A. No.

Q. Do you know what she caught?—A. No.

Q. Whether cod or mackerel?—A. No.

Q. It might have been cod?—A. Yes.

Q. Why did you say it was halibut?—A. I say that we supplied him with bait, but I do not know that she caught halibut.

Q. As to those vessels, can you tell with your glass at that distance whether what they haul on board is halibut or cod?—A. I do not know

what they catch, but they say that they come there to fish for halibut. I frequently converse with them.

Q. You cannot tell of a certainty what is the national character of vessels fishing off there with no colors flying, which do not come into the harbor; and then you cannot tell whether they catch cod or halibut unless you communicate with them?—A. I frequently converse with the men, but I do not know the names of the vessels.

Q. Can you give the name of any other vessel besides the one you mentioned?—A. No; but I remember the name of one other master. It is Ireland, I think. He is in command of a New London vessel.

Q. Is he a British subject?—A. I do not know.

Q. He was in a New London vessel?—A. Yes.

Q. Was he in the harbor?—A. Yes; frequently, to get bait and ice.

Q. Can you remember the name of a place from which any other vessel came?—A. All I know about it I have told you. I cannot remember any other name.

Q. Can you remember from what port she sailed?—A. I only know what I have been told about the vessel from New London.

Q. Where were the other vessels from, as far as you know?—A. I have been on board of Gloucester vessels.

Q. Where were they lying?—A. In what we call Shag Harbor, where they get ice.

Q. Are you in the habit of boarding them when they are off fishing?—A. No; but in the harbor.

Q. And then you talk with the men?—A. Yes.

Q. Can you tell us the place from which any vessel came, excepting the two you have mentioned?—A. I do not know the names of any others.

Q. But some came from Gloucester?—A. Several did so, I know.

Q. And you learned whether they are fishing for cod or halibut from the vessels that come into the harbor?—A. I learn it from the men themselves on board of the vessels. You will understand that when they come over there they first come in the harbor to get ice and bait, and then we learn where they are from and what their business is; that is how I procure this information.

Q. Do all of them come into your harbor?—A. As a general thing they do. They come there for ice and bait, because they can get ice cheaper there than at home.

Q. Do they not bring their bait with them?—A. No.

Q. They bring none with them?—A. I have hardly ever known them to do so. In fact, they cannot get bait at home; it is not to be had, unless they take salt bait, to my knowledge.

Q. How long does it take them to come there from Eastport, Gloucester, and Portland?—A. From Gloucester, 30 hours is a fair run.

Q. Can they not get bait to live that length of time?—A. I do not know where they are to get it at home.

Q. Is any ice to be found in New England?—A. Yes, plenty of it; but they prefer ours, some way or other.

Q. Is there no bait to be found in New England, which will last a fortnight?—A. They do not get it there, or else they would not come to us for it. We have an ice-house which puts up 1,300 or 1,400 tons of ice, and over one-twelfth of it is taken by the American fishermen.

Q. What becomes of the rest of it?—A. The British take some of it, and the balance runs away.

Q. What kind of British?—A. Nova Scotian.

Q. What do they fish for?—A. Cod.

Q. Where?—A. Off shore.

Q. They fish for cod and the Americans for halibut?—A. Yes.

Q. You know that this is the case?—A. The Americans say that they fish for halibut.

Q. Do not the British vessels fish for halibut?—A. We have never had a British vessel fit out to catch halibut to my knowledge. The Americans fish inshore and our vessels off shore.

Q. How far off?—A. We go off 20 and 25 miles to fish.

Q. Then the cod-fishery is an off shore fishery?—A. It is an inshore and off shore fishery; inshore the open boats fish and offshore the vessels.

Q. Why do not the vessels fish inshore if plenty of cod are to be found there?—A. They leave that fishery to the old men and to those who are not capable of going outside to fish.

Q. Do you really think that this is the reason for it?—A. Yes.

Q. Do you not think that if they found plenty of cod inshore they would fish there?—A. No. The young men like to go out to fish.

Q. I am perfectly willing to let you have as high an opinion of your own people as you like, but if they found more cod inshore than off shore would they not come in to catch them?—A. They do not consider it an honorable thing for a large schooner to come inshore and fish among the open boats. We consider that it is the privilege of the open boats to fish inshore. The vessels do not think that it is right to take advantage of this privilege, and so the decked vessels fish off shore.

Q. Then the American schooners do not come inside to catch fish among the boats?—A. No; not generally.

Q. Do they not respect the privilege you mention?—A. I think it is very likely that they do, because we have our people in them.

Q. That is because they are commanded by British subjects?—A. Over one-half of them are so, I think.

Q. From 1851 to 1854 you were fishing off Cape Breton and other places?—A. Yes, and Prince Edward Island.

Q. In British vessels?—A. Yes.

Q. Were there a great many British vessels fishing there then?—A. I think not; there was something like seventy sail of British vessels at these places at the time.

Q. Has there been anything like that number there since?—A. I do not know what the number has been since.

Q. You have heard, have you not?—A. I could not say.

Q. You have heard that the number of British vessels has since then very largely diminished?—A. I do not know whether this is the case or not.

Q. But you have heard so?—A. I do not know that I have. I know that our vessels from Lunenburg, after the cod-fishing season is over, generally go to North Bay for mackerel.

Q. In 1873, you fished off Cape Breton and Prince Edward Island?—A. Yes.

Q. And you anchored that year within one-quarter of a mile of the Prince Edward Island shore?—A. No; this was off the Cape Breton shore.

Q. You never anchored within one-quarter of a mile of Prince Edward Island?—A. No; the water there is very shallow, and it is not a pleasant coast to anchor on; I now refer to the northeast side.

Q. It would not do to anchor there except in mid-summer, I suppose?—A. No; you want to keep a good lookout there.

Q. What was the tonnage of your vessel?—A. In 1873, the vessel I was in was of 53 tons.

Q. Do you know what it was by the American system?—A. It was 53.

Q. Then the present American system is the same with yours?—A. I think so.

Q. When you would anchor within a quarter of a mile of the coast it would be on a bold shore?—A. It was in 12 feet of water; the vessel only drew 8 feet in ballast.

Q. Then, with a small vessel of 50 tons, you would not wish to anchor within a quarter of a mile of the shore?—A. I would go as near it as I dared if I could catch mackerel there.

Q. And you would dare to do so on such a shore as that of Cape Breton?—A. We were fishing off Sydney a good deal of the time.

Q. But off parts of the Cape Breton shore you would not like to do so?—A. There parts of it are very ragged, but a quarter of a mile off from it affords safe anchorage anywhere around it for a vessel of that size.

Q. I think you said that after your vessels have done cod-fishing they go into the gulf for mackerel?—A. The vessels on the western shore, from Lunenburg and Queen's County, do so.

Q. Are you well acquainted with those places and their fishermen?—A. Yes.

Q. How many Lunenburg mackerel-fishing vessels now go into the bay for mackerel?—A. I could not say how many have done so this year.

Q. But in previous years?—A. I could not say.

Q. Can you give the number for any time within the last five years?—A. I would not pretend to state the number, but suppose that quite a large fleet goes from Lunenburg.

Q. Can you risk any number which you are willing to stand by?—A. I would not like to do so, because I could only give a rough calculation.

Q. I would like to have it?—A. I could not come perhaps within one-half of the real number. I do not know what number of vessels from Lunenburg is engaged in the fishing business.

Q. How many come to the Bay of Saint Lawrence after they are done cod fishing?—A. I think that the large portion of these vessels do so. They fish northeast of Prince Edward Island, at the Magdalen Islands, and around there in the autumn; also about the northwest coast of Cape Breton.

Q. The Magdalen Islands are a good deal frequented by them in the autumn, when the mackerel are coming down on their way out of the bay?—A. Considerably; yes.

Q. Have you this year seen any vessels which you knew to be Gloucester vessels and which you boarded in the harbors?—A. I have passed them.

Q. Have you seen the word "Gloucester" on their sterns?—A. Yes.

Q. How many Gloucester vessels have you been on board of this year?—A. I could not say that I have been on board of more than one.

Q. Which one?—A. The one I gave you the name of, under command of Captain Swett.

Q. Were you on board of any other Gloucester vessel this year?—A. No, not that I recollect of; but I passed them at anchor this year in the harbor.

Q. How many Gloucester vessels have you passed besides the one you have named?—A. I cannot tell exactly how many, but I think there were 12 or 15.

Q. Lying in your harbor?—A. Yes.

Q. Did you speak to them?—A. Not particularly that I know of. I did not go on board of them.

Q. Then you do not know positively where they are from?—A. No, save from hearsay.

Q. You do not know what they caught when they went off to sea?—A. No.

Q. Do you know why it is, if there is good halibut fishing so near your shore, that your people do not go into it?—A. I think the reason is because we have no market for fresh halibut.

Q. Where is such a market?—A. In the United States—at Boston, Cape Ann, &c.

Q. How could they be taken there fresh?—A. In ice or in water in smacks in the wells. The New London vessels are mostly all smacks with wells of salt water. Gloucester vessels preserve them, I think, in ice.

Q. Why cannot your people do the same thing?—A. I suppose we could do so if we had vessels suitable for the business.

Q. Are your vessels not suitable to carry them in ice?—A. O yes.

Q. Why don't you do it?—A. There is not enterprise enough. I do not know what other reason there is for it.

By Sir Alexander Galt:

Q. Are the fish kept alive in the wells?—A. Yes.

By Mr. Dana:

Q. And you have none of these smacks?—A. No.

Q. You have never tried them?—A. No.

Q. Have not those smacks been rarely seen during the last five years?—A. No. I think that a considerable number of New London smacks are cruising yet. I do not know of any belonging to Gloucester or Cape Cod. I confine them altogether to New London. I have no recollection of ever having seen any Gloucester smacks, or any from any place except New London. Still there may be smacks which come from other places of which I have no knowledge.

Q. Are these halibut catchers which you have seen off your coast generally small vessels?—A. They are from 50 to 70 tons burden.

Q. You do not have vessels of 90, 100, and 120 tons fishing there?—A. I do not think it.

Q. Are most of the vessels which fish off there smacks?—A. No.

Q. What proportion of them are smacks?—A. A small proportion, I think, New Londoners. The largest portion of the fleet is composed of Cape Ann vessels, varying from 50 to 70 tons.

Q. Have you ever seen any vessels there from New London which were not smacks?—A. I do not recollect of any, but there may have been some. I think it is likely that there have been vessels besides smacks there from New London.

Q. You say that you believe a majority of the fleet fishes there for halibut or cod, and that most of them are from Gloucester?—A. Yes; the majority of the halibut fleet is from Gloucester, I think.

Q. And the rest are from New London?—A. I think so, principally. There may be, however, a few from the State of Maine.

Q. Do they send any smacks from Maine?—A. I do not think that they do; I do not know of any coming from there.

Q. You attribute the failure of your people—assuming that you are right—to catch halibut and take them fresh to the States, to lack of enterprise?—A. I would not say that this was the case.

Q. It was the only cause you assigned; is the halibut fishery a pro-

fitable fishery at all?—A. I do not know. I could not say. I suppose, however, that it is, or they would not follow it.

Q. Is the codfishery profitable?—A. I suppose so—some years it is not so good as it is other years. I think that the fishermen make a living out of it.

Q. And of these two fisheries, the cod-fishery is the most profitable and certain?—A. I would risk going cod-fishing myself before I would go halibut-fishing.

Q. Do you know anything about the salting of halibut? Is that done?—A. We used to do it; but it has not been done latterly. We do not now get any to salt.

Q. Where did you send them when you salted them?—A. We used to bring most of them to Halifax, and to St. John, N. B.

By Mr. Davies:

Q. You used to catch halibut in wiers?—A. Yes; in our traps.

Q. Close by the shore?—A. Yes.

Q. And now you do not catch them in these traps?—A. Yes.

Q. And that is the only way in which you prosecuted the halibut fishery?—A. We caught them with hand-lines in boats, close in shore.

Q. Halibut are not found where they used to be?—A. We do not now catch any with our hand-lines, or in our traps.

Q. What is the cause of this, as far as you know?—A. I think trawling. The trawls now catch them all.

Q. I understood you to say that these American vessels, which you speak of as engaged in the halibut fishery, are also engaged in the cod-fishery during the summer months?—A. Yes; after the halibut fishing is over.

Q. And then again in the fall they resume halibut fishing?—A. Yes; when the bait comes inshore.

Q. Can you give me a statement of the fish exports of the town of Barrington?—A. Barrington proper contains about 7,000 inhabitants; and we exported, I think, last year, 35,000 quintals of cod, valued at \$58,000; 12,000 quintals of haddock and pollock, valued at \$36,000; 8,000 barrels of mackerel, valued at \$56,000; 2,000 barrels of herring, valued at \$7,000; and 1,200 barrels of oil, valued at \$15,000; making a total of \$172,000.

Q. Where do you send your codfish?—A. Most of our small and large codfish come to Halifax; and a few, also, are sent to Lockport and Yarmouth.

Q. With reference to the soundings which have been mentioned—you speak pretty confidently respecting the soundings about Green Island; have you made them personally?—A. Yes; I speak concerning them from my own actual knowledge.

Q. You have been all over that ground?—A. Yes; repeatedly.

Q. You have not the faintest shadow of a doubt about your soundings?—A. No.

Q. You have been at this work ever since you were a boy?—A. Yes; and I would not give in to anybody's soundings.

By Mr. Dana:

Q. You have spoken of certain American vessels which, according to your judgment, were halibut fishing. During what portion of the season are they there catching halibut?—A. From about the 20th of May to the 20th of June, and afterwards from the first to the last of October—about two months in all.

Q. Do you know whether the same vessels are there in the spring and fall?—A. No.

Q. What are they doing the rest of the season?—A. I cannot say.

Q. Do you then see them?—A. No; not that I know of.

Q. Then you count all the time they are in sight, with or without a glass, as the halibut season?—A. The only way I know of their presence is when I see them laying at anchor; that is the only time which I undertake to count.

Q. And you do not undertake to say what they are or what they do during the rest of the season?—A. No.

Q. You do not mean to say that the same vessels during the spring and fall are within that distance all the time you have mentioned?—A. I would not say that they are the same vessels; there may be others.

Q. During this period these vessels may be off and then in again?—A. Just so.

By Mr. Davies:

Q. Do you think that the vessels that fish there in May and June fish for cod in July and August?—A. Yes.

By Sir Alexander Galt:

Q. But you do not know that this is the case?—A. No.

By Mr. Foster:

Q. Are these vessels anywhere near your shore save in May, June, and October?—A. I do not then see them.

Q. They disappear during the rest of the season?—A. The time I mentioned is the only season during which they fish inshore, to my knowledge.

Q. During what part of these eight weeks do you mean to say that they are within three miles of the shore?—A. We see them laying there during these two months.

Q. Within three miles of the shore?—A. Yes.

By Sir Alexander Galt:

Q. Do the smacks which are provided with wells ever fish for cod?—A. I think not, but I do not know.

### No. 83.

DANIEL M. BROWNE, of Halifax, N. S., was called on behalf of the Government of Her Britannic Majesty, sworn and examined.

By Mr. Thomson:

Question. What position do you hold?—Answer. I am a retired naval officer, and I now am serving as a clerk in the marine and fisheries department of the Dominion of Canada.

Q. Have you, in your official position, any knowledge as to the number of light-houses which are situated on the coasts of the British provinces?—A. Yes; I have been a good deal around these coasts. During the time when the fisheries were protected, I was in the protection service in command of a cruiser for a couple of seasons. I have also been a good deal around the coast conveying supplies to light-houses.

Q. This is part of your business?—A. Yes.

Q. Will you state what the number of light-houses on the coast is?—A. On the Nova Scotian coast there are 108 lights, and of these 82 are available for use by American fishermen; on the Quebec coast there are 46 lights, of which 29 I consider available for use by American

fishermen; on the New Brunswick coast there are 60 lights, of which 32 are available as mentioned; and on Prince Edward Island there are 20 lights, all of which, I presume, are so available; besides these, there are, of course, fog-whistles.

Q. Is there a fog-whistle at every light-house?—A. No.

Q. How many fog-whistles are there which are available to American fishermen?—A. There are ten on the Nova Scotian coast; and I suppose there is about an equal number on the coasts of the other provinces altogether.

Q. Are they all available to American fishermen?—A. Yes; all, more or less.

Q. You are speaking from experience obtained on these coasts?—A. Yes.

Q. Which are available for the American fishermen, and which are not so?—A. I should say that all the fog-whistles could be so available. I know all are so, except one, perhaps, in the Bay of Fundy.

Q. Where?—A. At Cape D'Or. I suppose that this one is not of much use to American fishermen.

Q. I do not know why not.—A. I have not been out there a great deal; but I should presume that this fog-whistle would not be of a great deal of use to them.

Q. With that single exception, all the others would be useful to them?—A. Yes.

Q. There are buoys and beacons on our coasts besides?—A. Yes.

Q. How many of them are there, and how many of them are available to the Americans?—A. I have not got their number. I have simply put down their cost. The cost of the maintenance of buoys and beacons on the coast of Nova Scotia amounts to \$6,493 in the year.

Q. What is such cost in connection with the light-houses?—A. Seventy-seven lights on the Nova Scotia coast, on the average cost \$3,000 each.

Q. How did you make up this paper?—A. From the books. The statement is as follows:

*Maintenance of lights in the Dominion, used by the fishermen of the United States.*

**Nova Scotia agency :**

82 lights and 9 fog-whistles .....	\$82,039
Humane establishment at Sable Island and St. Pauls' .....	14,182
Buoys and beacons .....	6,493
Dominion steamers, $\frac{1}{3}$ of \$39,000 .....	29,609
	<hr/>
	\$132,323

**Quebec agency :**

46 lights below Quebec, including fog-whistles; of these 29 are used by American fishermen. Cost of maintenance of 46 is \$94,997, therefore $\frac{2}{3}$ of this amount .....	59,889
Cost of steamers carrying supplies .....	25,000
	<hr/>
	84,889

**New Brunswick agency :**

60 lights and fog-whistles; of these 32 are used by American fishermen. Cost of maintenance of 60, including supply-vessels, \$52,276; therefore $\frac{2}{3}$ of this amount .....	27,880
Buoy service .....	10,275
	<hr/>
	38,155

**Prince Edward Island :**

Total lights, 20. Cost maintenance.....	13,730
	<hr/>
	268,197

*Construction of fog-whistles and light-houses used by the United States fishermen.*

Sambro Island fog-whistle .....	\$23,436
Cape Sable fog-whistle .....	10,200
Seal Island fog-whistle .....	4,552
Yarmouth fog-whistle .....	4,000
Brier Island fog-whistle .....	7,500
Digby fog-whistle .....	5,228
Cranberry Island fog-whistle .....	6,740
Sable Island fog-whistle .....	6,041
St. Paul's fog-whistle .....	10,275
	<b>\$78,612</b>
Sable Island light-houses .....	51,457
Barrington light-vessel .....	5,000
St. Paul's lights, humane establishment, &c .....	50,000
77 lights, at an average cost of \$3,000 each (20 lights recently built cost \$2,937 each) .....	231,000
	<b>337,457</b>

Total estimated cost of construction of lights, fog-whistles, &c., in Nova Scotia,  
used by American fishermen .....

416,069

One-half of the lights used by Americans fishing off the coasts of the Dominion  
are in Nova Scotian agency; therefore for the other provinces add .....

416,069

Total estimated cost of construction of all the provinces .....

832,138

Total estimated cost of construction of 165 lights, fog-whistles, and humane  
establishments, used by United States fishermen, on the coasts of the Dominion .....

\$332,138

Cost of maintenance of above for one year .....

268,197

A list of the Canadian lights, Bay of Fundy, Coast of Nova Scotia, and the Gulf of St. Lawrence, used by the fishermen of the United States.

Machias, Seal Island (2),	Cross Island, Hobson's Nose, Chester, Peggy's Point, Betty's Island, Sambro, Chebucto, George's Island, Maugher's Beach, Devil's Island, Egg Island, Beaver, Liscomb, Isaac's Harbor, Country Harbor, Torbay, Whitehead, Cape Canso, Canoe Harbor, Guysborough, Sand Point, Point Tupper, Creighton's Head, Jerseyman's Island, Petetdegras, Green Island, Guion Island, Louisburg, Mamadian, Scatterie, Low Point, Sydney Bar, Point Aconi, Ciboux, Ingonish, Cape North, Cheticamp,	Pictou, Amet Island, North Point (P. E. Island), West Point, Summerside, Sea Cove Head, Crapaud, Charlottetown, Point Prim, Wood Island, Murray Harbor, Panmure Head, Georgetown (P. E. Island), East Point, St. Peters, Tracadie, North Rustico, South Rustico, New London, Fish Island, Little Channel, Cascumpec, Tourimam, N. B., Shediac, Shediac Island, Cassia's Point, Kichibucto, Preston Beach, Grant's Beach, EcumÃ©nac, Miramichi Light-ship, Fox Island, East, Fox Island, N. W., Portage Island, Nequac,	Shippegan, Goose Lake, Caraquet, Bathurst, Carleton Point, Paspebiac, Maquereau Point, Cape Despair, Percé, Gaspé, Gaspé Bay Light-ship, Cape Gaspé, Cape Rosier, Cape Magdalen, Martin River, Cape Chatte, Matan, Point de Monts, Egg Island, Seven Islands, West Point (Anti-costi), S. W. Point, Bagate Bluff, Heath Point, Belle Isle, Amour Point, Cape Norman, Point Rich, Cape Ray, St. Paul's N. E., St. Paul's S. W., Magdalen Islands, Bird Rocks, Entry Island, Amherst Island, Etan du Nord,
Gannet, Swallow Tail, South Wolf, Head Harbor, Blue's Island, Drew's Head, Lepreau, Partridge Island, Cape Spencer, Digby, Boar's Head, Briar Island, St. Peter's Island, Sissibau, Church Point, Meteghan, Cape St. Mary, Cape Forchu, Bunker's Island, Seal Island, Pubnico, Ban Portage, Cape Sable, Barrington Light ship, Baccaro, Negro Island, Cape Roseway, Sand Point, Gull Rock, Carter's Island, Port L'Ebent, Little Hope, Port Mouton, Fort Point,			

Coffin's Island,	Margaree,	Tabusintac,	(Sable (Island),
Port Medway,	Port Hood,	South Tracadie,	East Light,
Mason Island,	North Canso,	North Tracadie,	West Light,
Le Have,	Ponquèt Island,	Pokemouche,	Flint Island,
West Ironbound,	Cape St. George,	Miscou,	Point Tupper.
Battery Point,	Pictou Island,		

By Mr. Foster:

Q. Have you the dates of the erection of these light-houses?—A. No; but I have seen them in the books.

Q. Could you furnish them?—A. O, yes.

Q. Will you do so?—A. Yes.

Q. Were not light-dues exacted for a good many years?—A. This has not been done within my recollection; it has not been done since 1870.

Q. How far back does your experience extend?—A. I can only speak from 1871.

Q. Have you not the means of showing when the light-dues were taken off?

Hon. Mr. SMITH. This was done in 1868 everywhere except on Prince Edward Island, and on Prince Edward Island they were taken off in 1873.

Q. Do you know what the light-dues were when they were exacted?—A. No.

Q. Have you the means of showing this?—A. I might be able to ascertain it.

Q. Have you the means of showing how much money was collected from American vessels for light-dues?—A. I think not.

Q. Would there be no way of showing that?—A. It might be obtained from old returns.

Q. It would be hard to get at it?—A. I would not know how to obtain it at all.

Q. You say you will give me the dates of the erection of these light-houses?—A. That can be ascertained, I think.

Q. How far back is it since the earliest light-house was erected on these coasts?—A. The Sambro light-house was erected in 1758.

Q. Do the fishermen use these light-houses in any particular way?—A. They use them generally as they go along the coast; and they point out the fishing-grounds.

Q. Tell me about that.—A. If a man wants to ascertain the location of the spot where he is, inshore, he takes the bearing of the light and fixes his ship's position; he thus knows exactly in what course to steer to reach the fishing-grounds.

Q. What fishing-grounds are pointed out by particular light-houses?—A. I do not mean that, but it stands to reason that if a man wants to run to a certain point in the ocean anywhere, he makes use of these lights when this is possible.

Q. That relates to fishing or anything else?—A. Yes, to any purpose.

Q. I thought you meant that there were particular lights to show the location of fishing-grounds?—A. O, no; certainly not.

Q. Then all the people who sail on the sea, similarly get the benefit of these light-houses?—A. Exactly.

Q. As long as the Government of the Provinces thought it wise to charge fees in this regard, they did so; and when they thought it wise to cease charging such fees, they gave it up?—A. Yes.

Q. And they gave this up in 1868, everywhere except on Prince Edward Island, where the practice was abandoned in 1873?—A. Yes.

Mr. THOMSON. This was abandoned in Quebec long before 1868.

By Mr. Thomson:

Q. I suppose the fishing business could not be prosecuted along the coast by the Americans, or probably by anybody else, without these lights?—A. It would be hazardous to attempt it. I would not say it could not be done, but it would certainly be a hazardous undertaking.









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